



## **WINNETKA ZONING BOARD OF APPEALS REGULAR VIRTUAL MEETING AGENDA MONDAY, FEBRUARY 14, 2022 - 7:00 PM**

In accordance with social distancing requirements and Governor Pritzker's Executive Order 2022-05 and Section 7(e) of the Illinois Open Meetings Act, the Winnetka Zoning Board of Appeals meeting on Monday, February 14, 2022, **will be held virtually**. The meeting **will be livestreamed via the Zoom platform**. At least one representative from the Village will be present at Village Hall, in compliance with Section 7(e) of the Illinois Open Meetings Act, and **the virtual meeting will be simulcast at Village Hall for members of the public who do not wish to view the virtual meeting from another location**. Due to the need to maintain social distancing, the opportunity to view the virtual meeting at Village Hall is available on a "first-come, first-served" basis.

The public has two options for observing and participating in this virtual Zoning Board of Appeals meeting, including the ability to provide oral comments during the meeting. Persons wishing to participate during the virtual meeting are strongly encouraged (but not required) to complete the Sign-In form found at [www.villageofwinnetka.org/meetingsignin](http://www.villageofwinnetka.org/meetingsignin).

- 1) **Telephone (audio only)**. Call: 312-626-6799; when prompted enter the Webinar ID: 839 6502 9687 (Please note there is no additional passcode or attendee ID required.)
- 2) **Livestream (both audio and video feed)**. Download the Zoom meetings app to your smart phone, tablet, or computer, and then join Webinar ID: 839 6502 9687; Webinar Passcode: ZBA021422

To facilitate an efficient meeting, public comments submitted in advance are encouraged. If you wish to **provide testimony or comments prior to the meeting**, you may provide them one of three ways:

- 1) By sending **an email** to [planning@winnetka.org](mailto:planning@winnetka.org);
- 2) By sending **a letter** to Community Development Department, Village of Winnetka, 510 Green Bay Road, Winnetka, IL 60093; or
- 3) By leaving **a voice mail message** at the phone number 847-716-3524. All voicemail messages will be transcribed into a written format.

Public comments should contain the following information:

- In the subject line – "Zoning Board of Appeals Meeting Public Comment"
- Name
- Address (optional)
- Phone (optional)
- Organization or agency representing, if applicable
- General comment or comment on topic of specific agenda item number

All comments received after the agenda packet has been posted and received by 6:00 PM the day of the meeting will be read at the meeting by staff, at the appropriate time during the meeting. General comments for matters not on the agenda will be read under the Public Comment agenda item. Comments specific to a particular agenda item will be read during the discussion of that agenda item. The Village will attempt to have comments received after the meeting has started read at the end of the meeting. Public comment is limited to 200 words or less. All emails received will be acknowledged either during or after the meeting, depending on when they are received.

Persons seeking additional information concerning any of the applications, accessing the virtual meetings, or requesting alternative means to provide testimony or public comment are directed to email inquiries to [planning@winnetka.org](mailto:planning@winnetka.org) or by calling 847-716-3525.

**ZONING BOARD OF APPEALS REGULAR VIRTUAL MEETING AGENDA  
MONDAY, FEBRUARY 14, 2022 - 7:00 PM**

**AGENDA ITEMS**

1. Call to Order & Roll Call.
2. Introductory Remarks Regarding Conduct of Virtual Meeting.
3. Approval of Minutes – January 10, 2022.
4. **Case No. 22-04-V2: 108 Fuller Lane:** An application submitted by Julia and Brian Goodwin seeking approval of zoning variations to allow construction of an addition to the existing residence at 108 Fuller Lane. The requested zoning variations would permit the addition to (i) exceed the maximum permitted building size; (ii) provide less than the minimum required corner yard setback from Winnetka Avenue; (iii) provide less than the minimum required side yard setback from the north property line; (iv) provide less than the minimum required rear yard setback from the west property line; and (v) exceed the maximum permitted width for a front-facing attached garage door. The Village Council has final jurisdiction on this request.
5. **Case No. 22-05-V: 490 Sunset Road:** An application submitted by Francisco Robles and Jamie Thomas seeking approval of zoning variations to allow construction of an addition to the existing residence at 490 Sunset Road. The requested zoning variations would permit the addition to (i) exceed the maximum permitted building size; and (ii) provide less than the minimum required front yard setback from Myrtle Street. The Zoning Board of Appeals has final jurisdiction on this request.
6. Other Business.
  - a. Community Development Report
  - b. March 14, 2022, Meeting - Quorum check
7. Public Comment.
8. Adjournment

Note: Public comment is permitted on all agenda items.

All agenda materials are available at [www.villageofwinnetka.org/agendacenter](http://www.villageofwinnetka.org/agendacenter).

**NOTICE**

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities contact the Village ADA Coordinator at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3543; T.D.D. (847) 501-6041). **Also, in accordance with the CDC guidance, the Village is requiring everyone to wear a face covering upon entering any Village facility, including the Village Hall. If you are unable to safely wear a face covering due to a medical condition or disability, please contact the Village ADA Coordinator by 3:00 p.m. the date of the meeting to request reasonable accommodations.**

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**WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES  
JANUARY 10, 2022**

4 **Zoning Board Members Present:** Matt Bradley, Chairman  
5 Kate Casale MacNally  
6 Kimberly Handler  
7 Lynn Hanley  
8 Mike Nielsen  
9 Todd Vender

11 **Zoning Board Members Absent:** Max Weigandt

13 **Village Staff:** David Schoon, Director of Community Development  
14 Brian Norkus, Assistant Director of Community  
15 Development  
16 Ann Klaassen, Senior Planner

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**Minutes of the Zoning Board of Appeals  
January 10, 2022**

21 **Call to Order & Roll Call:**

22 Chairman Bradley called the meeting to order at 7:05 p.m. Ms. Klaassen took roll call of the Board  
23 Members present.

24  
25 **Introductory Remarks Regarding Conduct of Virtual Meeting.**

26 Chairman Bradley read the Oral Declaration into the record. He then outlined the manner in which the  
27 meeting would take place.

28  
29 **Approval of Minutes – December 13, 2021.**

30 Chairman Bradley asked for a motion to approve the December 13, 2021 meeting minutes. Ms. Casale  
31 MacNally moved to approve the December 13, 2021 meeting minutes. Mr. Nielsen seconded the motion.  
32 A vote was taken and the motion unanimously passed, 6 to 0:  
33 AYES: Bradley, Casale MacNally, Handler, Hanley, Nielsen, Vender  
34 NAYS: None  
35

36 **Case No. 22-01-V: 335 Sheridan Road: An application submitted by Doug and Karen Kiersey seeking**  
37 **approval of zoning variations to allow construction of a one story addition to the existing residence at**  
38 **335 Sheridan Road. The requested zoning variations would permit the addition to: (i) provide less than**  
39 **the minimum required front yard setback from the west property line; (ii) provide less than the**  
40 **minimum required side yard setback from the south property line and (iii) exceed the maximum**  
41 **permitted width for a front-facing attached garage door. The Zoning Board of Appeals has final**  
42 **jurisdiction on this request.**

43 Ms. Klaassen identified the front yard and side yard setback variations being requested and the property's  
44 location as well as its zoning classification and photos. She described the proposed addition highlighted in  
45 yellow on the illustration and its measurements. Ms. Klaassen noted there have been four previous  
46 variations, details of which are included in the agenda materials, and then referred to front and south  
47 elevation renderings. She stated resolutions for the Board's consideration are included on page nos. 32  
48 and 47 and following Board discussion and public comment, a Board Member may wish to make a motion

1 to adopt either the resolution to approve the request or the resolution to deny the request. Ms. Klaassen  
2 noted no written comment was received and there are no members of the public present to comment.  
3 She then asked if there were any questions.  
4

5 Ms. Hanley asked why the garage is being considered as front facing when it is located in the side yard.  
6 Ms. Klaassen responded it is considered a front yard since the access point to Sheridan Road is on the  
7 private road. Ms. Hanley referred to the photo on page 14 to provide further clarification. Chairman  
8 Bradley stated the Zoning Administrator would normally have had authority to approve the request but  
9 due to the remaining portions of the application, it has to be considered by the Board.  
10

11 Chairman Bradley asked for the applicants' presentation. Mr. Norkus allowed the applicants into the  
12 meeting. Chairman Bradley swore in those speaking to this matter. Doug and Karen Kiersey, Amy Mangold  
13 of Mangold Architecture and Thomas Kenny, with Scott Simpson Design Build, introduced themselves to  
14 the Board. Ms. Mangold described the history behind the request and referred to the small garage to be  
15 altered. She also stated there is limited parking in the area. Ms. Mangold then referred to the existing  
16 nonconforming home and stated they ensured the design as addressed would not affect the lake views.  
17 She described how the new two car garage and staircase would function. Ms. Mangold added they wanted  
18 to make sure the addition appeared as if it had always been there and with regard to the variations, it  
19 would be impossible to fit two garage doors in the structure. She also stated the FAR and impermeable  
20 lot coverage increases are not significant and confirmed a bigger mudroom is not needed. Ms. Klaassen  
21 confirmed there is a limit of 22 feet in width for a front-facing attached garage.  
22

23 Mr. Vender asked if there is a design aesthetic relating to the request. Ms. Mangold confirmed the  
24 addition size is functionally driven and informed the Board the garage is only 17 feet wide and explained  
25 how the vehicle exit would function. No additional questions were raised at this time.  
26

27 Chairman Bradley then asked for public comment. Mr. Norkus allowed members of the public into the  
28 meeting. Chairman Bradley swore in those speaking to this matter. Greg Skirving stated he represented  
29 the applicants in connection with the home purchase and described the request as a logical and practical  
30 addition. Mr. Norkus confirmed there is no additional public comment.  
31

32 Chairman Bradley called the matter in for discussion. Ms. Casale MacNally stated she drove past the  
33 property and stated there would not be a recognizable change and there have been no negative  
34 comments from the neighbors. She then questioned how construction would take place and the manner  
35 in which the side yard is considered. Ms. Casale MacNally stated the structure's appearance would remain  
36 similar and she is in favor of the request. Ms. Handler stated she agreed with Ms. Casale MacNally's  
37 comments and referred to the garage's appearance as a side facing garage. She stated she is also in  
38 support of the modest addition and that the surrounding homes are similarly placed. She added the  
39 request met the standards. Ms. Hanley agreed with the comments made and agreed the garage is a side  
40 facing garage. Mr. Nielsen agreed with the comments made. Mr. Nielsen indicated he is indifferent and  
41 referred to the reasonable return standard and the fact the garage served its purpose since the 1920's.  
42 He indicated he is undecided. Chairman Bradley commented the reasonable return standard is difficult in  
43 terms of it being met but for a home of this size and scale, there would be a reasonable expectation to  
44 park two cars in a garage. He also stated the neighbors' views would be unaffected and referred to the  
45 fact there is no other public street on which to park. Chairman Bradley then stated the remaining  
46 standards would not be affected and he is in support of the request.  
47

1 Chairman Bradley asked for a motion to approve the request as indicated on page 32. Ms. Casale MacNally  
2 moved to approve the request. Mr. Vender seconded the motion. A vote was taken and the motion  
3 unanimously passed, 6 to 0:

4 AYES: Bradley, Casale MacNally, Handler, Hanley, Nielsen, Vender

5 NAYS: None

6  
7 **Case No. 22-02-V2: 455 Linden Street: An application submitted by Linden Winnetka LLC seeing approval**  
8 **of zoning variations to allow construction of a new four-unit multi-family residential building with**  
9 **below grade structured parking at 455 Linden Street. The requested zoning variations would permit the**  
10 **proposed building to: (i) exceed the maximum permitted roofed lot coverage; (ii) provide less than the**  
11 **minimum required corner setback from Cherry Street to accommodate the below grade structured**  
12 **parking and (iii) provide less than the minimum required side yard setback from the north property line**  
13 **to accommodate the below grade structured parking. The Village Council has final jurisdiction on this**  
14 **request.**

15 Ms. Klaassen identified the roofed lot coverage (RLC), corner yard and side yard setback variations being  
16 requested and the property's location. She described the existing home on the site and identified the lot's  
17 zoning classification. Ms. Klaassen then referred to the land use map noting the property is located in a  
18 transitional area. She then identified the surrounding uses and referred to the site's permitted density.  
19 Ms. Klaassen then referred to the site's photos and proposed site plan containing underground parking  
20 and its access point. She noted approximately 968 square feet of underground parking is included in the  
21 RLC calculation. Ms. Klaassen identified the proposed first and second floor plans and south, west and  
22 north building elevations as well as a rendering from the southeast.

23  
24 Ms. Klaassen stated a Certificate of Appropriateness was submitted for the request and the Design Review  
25 Board (DRB) considered the request at its September 2021 meeting. She stated following comments and  
26 concerns raised relating to the roof design and overall building design, the applicant continued the request  
27 and submitted revised plans. Ms. Klaassen stated the DRB reviewed the request again at its October and  
28 November 2021 meetings and she identified several of the concerns raised. She informed the Board the  
29 DRB ultimately recommended design approval subject to conditions relating to brick color.

30  
31 Ms. Klaassen stated three emails were received and would be read into the record. She stated following  
32 Board discussion and public comment, a Board Member may wish to make a motion to recommend  
33 approval or denial of the request with draft motions provided on page no. 11, adding that there are no  
34 members of the public present at the Village Hall. She then asked if there were any questions.

35  
36 Chairman Bradley also asked if there were any questions. Ms. Hanley asked if a portion of the garage is  
37 above ground and being considered as RLC. Ms. Klaassen responded there is a roof for the structure which  
38 is below grade. She identified calculating such areas in RLC as another way to restrict development on a  
39 lot. Mr. Vender asked if there was no underground parking, would it be an issue. Ms. Klaassen confirmed  
40 if the underground parking did not extend beyond the building above, it would comply with RLC and the  
41 north side yard setback. Chairman Bradley asked if there is a code requirement for a certain number of  
42 parking spaces and Ms. Klaassen confirmed 2¼ parking spaces per unit are required, noting that guest  
43 parking would also be provided below grade. Chairman Bradley referred to Figure 10 on page 7 and Ms.  
44 Klaassen stated significant design changes were made in response to the comments made at the  
45 September and October DRB meetings to address the roof lines. She confirmed there is not a height issue.  
46 Ms. Handler questioned the 3 foot 1 inch setback on Cherry Street. Ms. Klaassen confirmed that variation  
47 would also be eliminated if there was not underground parking.  
48

1 Ms. Casale MacNally asked for clarification with regard to the number of parking spaces required  
2 according to code. Ms. Klaassen explained the code requirements for the parking spaces with one parking  
3 space required to be enclosed. Ms. Casale MacNally asked if there was an update in connection with the  
4 tree issue. Ms. Klaassen responded they spoke with the Village Forester who would have to review the  
5 plans, but based on his initial review, the necessary tree protection could be provided to protect  
6 neighboring trees.

7  
8 Chairman Bradley asked for the applicant's presentation. Mr. Norkus allowed the applicant into the  
9 meeting. Chairman Bradley swore in those speaking to this matter. Chris Talsma with Filoramo Talsma  
10 Architecture, Matthew Holmes, the applicant's attorney and Ayman Khalil, agent for the owner,  
11 introduced themselves to the Board. Mr. Holmes stated there is no issue with regard to the proposed use  
12 for the principal structure and it is compliant with the zoning code. He identified the reasons for the  
13 underground parking which would address parking issues noting the variations being requested related  
14 to underground parking. He stated the parking garage design was modified with the DRB asking for  
15 revisions to expand it noting the underground parking could not be made deeper. Mr. Holmes stated they  
16 want to be good neighbors and he reviewed the written comments received with the site plan being  
17 modified to address the comments.

18  
19 Mr. Holmes stated the site plan was designed for underground parking to be as invisible as possible which  
20 is more aesthetically pleasing than having street-level parking. He noted the lot's shape attributed to a lot  
21 of the issues since it necessitated a longer drive aisle. He stated one complaint referred to the number of  
22 townhomes in the area. Mr. Holmes then referred to the reduced elevation rendering on the site to allow  
23 more light into the property and the change made to the roof slope. He further addressed the remaining  
24 standards. Mr. Holmes stated concerns were also raised with regard to storm water detention and noted  
25 they intend to fully comply with the requirements. He stated no variations are requested relating to storm  
26 water and the significant trees on the site would not be affected. Chris Talsma and Mr. Holmes then asked  
27 if there were any questions. Mr. Khalil stated a lot of the comments received from the neighbors and the  
28 DRB have been remediated which would result in a good project for Winnetka.

29  
30 Chairman Bradley also asked if there were any questions. He stated with regard to the RLC issue, he asked  
31 to what extent has the garage been sufficiently tailored in connection with the architecture and design.  
32 Mr. Talsma reiterated the variations relate to the garage and the project would otherwise comply. He  
33 stated after several revisions, the drive aisle and ramp resulted in them performing a balancing act. Mr.  
34 Talsma referred to the planting bed which served as a buffer to the north neighbor. He informed the Board  
35 eliminating the 10<sup>th</sup> parking space would not significantly affect RLC. Mr. Holmes also stated they do not  
36 want to ask for more variations than necessary. Mr. Talsma referred to the site plan on Sheet A-001 with  
37 the green area representing RLC for the building only, which is below the requirement. He added they did  
38 not consider approaching from Linden Street and planned to use the existing curb cut. Mr. Khalil informed  
39 the Board the Montessori School is the neighbor next door. Mr. Schoon confirmed that there has not been  
40 Montessori School in the building next door for some time. Ms. Klaassen confirmed there is a multifamily  
41 residence to the east.

42  
43 Chairman Bradley asked if there would be a gate at the neighbors' lot line into the garage. Mr. Talsma  
44 responded fall protection would be provided. Mr. Khalil noted there is currently a fence between their  
45 property and the east property. Ms. Handler asked if articulation is required due to the building's length.  
46 Ms. Klaassen confirmed the required articulation of 4 feet is provided on the north side. Chairman Bradley  
47 asked for elaboration on the decision to not consider Linden Street as an access point. Mr. Talsma  
48 responded it was their understanding for curb cuts to be located as far away from intersections as possible

1 and the proposed location is the best in terms of access. Mr. Holmes added there is public parking on  
2 Linden Street.

3  
4 Ms. Hanley referred to storm water detention and the static pressure raised and with such a large  
5 underground parking garage, she asked if it required a certain amount of additional storm water  
6 detention. Mr. Talsma responded they would conform to storm water detention requirements and are  
7 working with a civil engineer who considered the comments raised. He noted they would not worsen  
8 existing conditions and explained how the storm water detention would work. Ms. Klaassen stated the  
9 required detention is based on the amount of impermeable lot coverage and does not relate to the depth  
10 of construction. No additional questions were raised at this time.

11  
12 Chairman Bradley then asked for public comment. Ms. Klaassen read emails from Larry Evangelides, 469  
13 Linden, Kristen Goss, 465 Linden, and Maria Desanzo, 467 Linden, into the record in opposition of the  
14 request. Mr. Norkus then allowed members of the public into the meeting. Chairman Bradley swore in  
15 those speaking to this matter. Kelly O'Connor, 470 Linden, stated her concerns relate to underground  
16 parking and the amount of traffic on Cherry Street. Mr. Norkus confirmed there was no additional public  
17 comment.

18  
19 Chairman Bradley asked for the applicant to respond. Mr. Holmes referred to the three main concerns  
20 raised by the neighbors and stated they went through three iterations to address the concerns raised. He  
21 also stated their architect did not address trees located over 50 feet away from the project. Mr. Holmes  
22 reiterated they would comply with the Village's storm water regulations which are a requirement. He also  
23 stated in connection with Cherry Street traffic, the project would reduce the parking issues on Cherry  
24 Street since parking for guests would be added in the basement noting that underground parking reduced  
25 surface parking congestion.

26  
27 Chairman Bradley referred to the side yard setback variation and asked Mr. Holmes what is driving the  
28 96% variation relating to underground parking. Mr. Talsma responded the driveway length is a function  
29 of the garage's depth and stated the exterior building walls conform to setback requirements. He stated  
30 the nonconforming portions relate to the area below grade and would not be visible. Ms. Klaassen stated  
31 the exterior wall of the underground parking garage would be set back .46 feet from the north property  
32 line, noting the driveway is a permitted encroachment. Chairman Bradley then stated while multiple uses  
33 are allowed on the lot, he referred to the amount of parking spaces allowed compared to any other use  
34 allowed on the site. Mr. Talsma stated a four-unit building met the threshold for the property and  
35 confirmed the number of parking spaces requested is what is allowed. He then referred to the amount of  
36 parking spaces allowed in Chicago and the proximity of the property to other transportation modes. Mr.  
37 Khalil added due to the geometry of the area, they were able to fit in 10 spaces which may not ultimately  
38 be needed and they are complying with code requirements.

39  
40 Ms. Handler asked if the proposal was for two units if the requirement would be five parking spaces. Mr.  
41 Khalil confirmed that is correct. Mr. Holmes referred to the character of the locality standard and stated  
42 while a four-unit structure is allowed by code, it would be impossible to have 10 parking spaces above  
43 ground. Mr. Talsma stated with regard to parking, they are only required to have four spaces indoors and  
44 the remainder of parking could be provided on-grade with their preference being for all vehicles to be  
45 located onsite. Chairman Bradley indicated the number of variations can be reduced from three to two by  
46 repositioning the access driveway. He then called the matter in for discussion.

47

1 Mr. Vender stated his two concerns relate to the driveway depth although sufficient protective measures  
2 were addressed as well as the below grade parking which he commented they wouldn't even be here if it  
3 weren't for the underground parking, which would be much better than offsite. He stated the request  
4 would not generate a lot of traffic and referred to the 96% variation which was addressed by the garage  
5 being located below grade. Mr. Vender then stated he did not have any major issues with regard to the  
6 request and asked to hear the other Board Members' comments. Ms. Hanley commented she liked the  
7 design and the multifamily building with her concern relating to potential flooding in connection with the  
8 underground garage. She stated knowing all of the variations relate to the underground garage, she is  
9 more comfortable with the variations adding that the stormwater engineers would be addressing the  
10 issue to the Village's satisfaction. Mr. Nielsen stated the proposal is the best modern day rendition for the  
11 site which would not have the same issues as the neighboring condominium building in terms of parking.  
12 He also stated storm water and trees would be addressed by the Village with the side yard variation  
13 relating to the fact that the curb cut is still being used. He concluded he would be in favor of the request.  
14 Ms. Handler stated she was initially troubled by the request and referred to the need for townhomes. She  
15 also stated given the proposal is for only four units, she is not troubled by the 96% variation for  
16 underground parking which would not be visible. Ms. Handler then stated she is undecided. Ms. Casale  
17 MacNally agreed with the comments made and referred to the variation standards. She referred to the  
18 work done by the DRB and applicant and commented the proposal would be aesthetically pleasing for the  
19 neighborhood and the Village. Ms. Casale MacNally stated the storm water issues would be addressed  
20 and she is in favor of the request. Chairman Bradley reiterated below grade parking is triggering all three  
21 variations requested and commented it is impossible to state the reasonable return standard has been  
22 met and when considered individually, the reasonable return standard is difficult to meet and the  
23 remaining standards have been met. He also referred to the work done by the DRB and applicant and  
24 stated the underground parking and storm water concerns would be addressed by the professionals. He  
25 then stated he is in support of the project.  
26

27 Chairman Bradley then asked for a motion to recommend approval as indicated on page 11. Ms. Casale  
28 MacNally moved to recommend approval of the requested variations. The motion was seconded by Mr.  
29 Nielsen. A vote was taken and the motion unanimously passed, 6 to 0:

30 AYES: Bradley, Casale MacNally, Handler, Hanley, Nielsen, Vender

31 NAYS: None  
32

### 33 **Other Business.**

#### 34 a. Community Development Report

35 Mr. Schoon stated the Village Council approved the playground equipment for Christ Church as well as  
36 the variations for 2 Golf Lane. He then stated with regard to The Walden project, the Village Council  
37 considered ordinance introduction for the planned development with the developer planning to begin  
38 construction in the spring. Mr. Schoon stated with regard to the One Winnetka project, the Village Council  
39 held the concept plan review and the applicant is to decide on how they want to proceed. He informed  
40 the Board the recorded meeting is included on the Village's website.  
41

#### 42 b. February 14, 2022 Meeting – Quorum Check.

43 The Board Members discussed their availability. Chairman Bradley informed the Board he spoke with  
44 President Rintz with regard to the Board's membership on the Planned Development Commission.  
45

### 46 **Public Comment.**

47 No comments were made at this time.  
48

1 **Adjournment:**

2 A motion to adjourn was made by Ms. Hanley and seconded by Ms. Casale MacNally. A vote was taken  
3 and the motion unanimously passed, 6 to 0:

4 AYES: Bradley, Casale MacNally, Handler, Hanley, Nielsen, Vender

5 NAYS: None

6  
7 The meeting adjourned at 9:35 p.m.

8  
9 Respectfully submitted,

10  
11 Antionette Johnson  
12 Recording Secretary

13

DRAFT



# MEMORANDUM VILLAGE OF WINNETKA

## COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** ZONING BOARD OF APPEALS  
**FROM:** ANN KLAASSEN, SENIOR PLANNER  
**DATE:** FEBRUARY 9, 2022  
**SUBJECT:** 108 FULLER LANE - VARIATIONS (CASE NO. 22-04-V2)

### INTRODUCTION

On February 14, 2022, the Zoning Board of Appeals is scheduled to hold a virtual public hearing, in accordance with social distancing requirements and Governor Pritzker's Executive Orders and Section 7(e) of the Illinois Open Meetings Act, on an application submitted by Julia and Brian Goodwin (collectively, the "Applicant") as the owners of the property located at 108 Fuller Lane (the "Subject Property"). The Applicant requests approval of the following zoning variations to allow construction of an addition to the existing residence on the Subject Property:

1. Gross Floor Area (GFA) of 3,789.03 square feet, whereas a maximum of 3,600.34 square feet is permitted, a variation of 188.69 square feet (5.24%) [Section 17.30.040 – Maximum Building Size];
2. Corner Yard Setback of 12.25 feet from Winnetka Avenue, whereas a minimum of 25.24 feet is required, a variation of 12.99 feet (51.46%) [Section 17.30.050 – Front and Corner Yard Setbacks];
3. Side Yard Setback of 3.57 feet from the north property line, whereas a minimum of 8.41 feet is required, a variation of 4.84 feet (57.55%) [Section 17.30.060 – Side Yard Setback] [Note: The residence currently provides a north side yard setback of 2.78 feet];
4. Rear Yard Setback of 2 feet from the west property line, whereas a minimum of 16.05 feet is required, a variation of 14.05 feet (87.54%) [Section 17.30.070 – Rear Yard Setback]; and
5. Front-facing attached garage door width of 18 feet, whereas a maximum width of 9 feet is permitted for an individual door, a variation of 9 feet (100%) [Section 17.30.110 – Garages].

A mailed notice was sent to property owners within 250 feet of the Subject Property in compliance with the Zoning Ordinance. The hearing was properly noticed in the *Winnetka Talk* on January 27, 2022. As of the date of this memo, staff has received one written comment from the public regarding this application. The comment is provided in Attachment D of this report.

***The Village Council has final jurisdiction on this request as only the Council has the authority to grant a variation to reduce a corner yard setback, side yard setback, or rear yard setback for a principal building by more than 50% of the required setback. Typically, the Zoning Board of Appeals has final jurisdiction on requests to allow a zoning lot with a pre-FAR building (constructed prior to 1989) to exceed the maximum permitted GFA by no more than 10%. Additionally, the Zoning Administrator typically has final jurisdiction on requests to exceed the permitted width for front-facing attached garage doors; however, since this request includes additional zoning relief for which the Board and the Zoning***

**Administrator do not have jurisdiction, the Village Council also has final jurisdiction on the requests to exceed the permitted GFA and width for a front-facing attached garage door.**

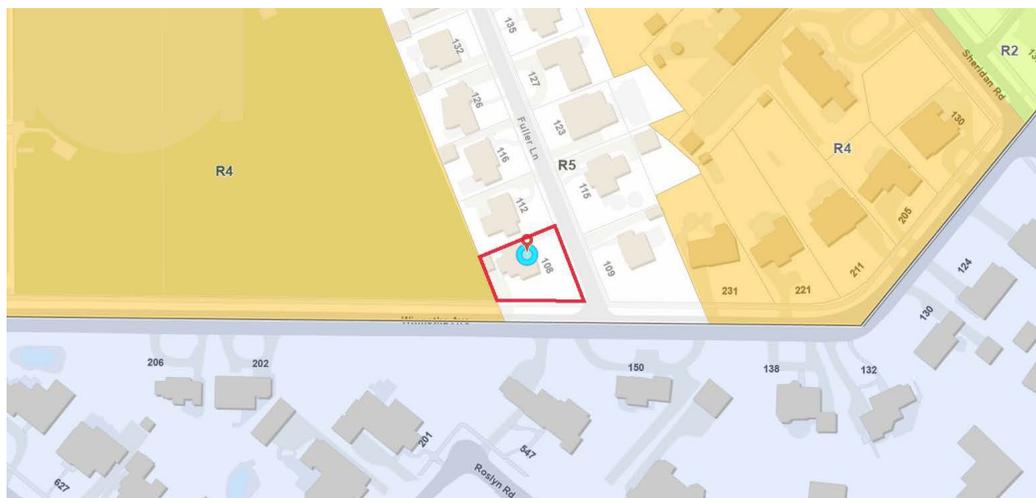
**PROPERTY DESCRIPTION**

The Subject Property, which is approximately 0.21 acres in size, is located on the northwest corner of the intersection of Fuller Lane and Winnetka Avenue and contains an existing two-story residence and a detached garage (see Figure 1). The Subject Property is not a rectangular shape. It is an irregular trapezoid with a front lot line, which runs along Fuller Lane, that is wider than the rear lot line, which is the west property line. Also, the side lot line is not parallel with the corner lot line, which runs along Winnetka Avenue. The property is zoned R-5 Single Family Residential, and it is bordered by R-5 Single Family Residential to the east and north, and R-4 Single Family Residential to the west (see Figure 2). The Comprehensive Plan designates the Subject Property as appropriate for single family residential development. The zoning of the property is consistent with the Comprehensive Plan.

The existing lot is a legal nonconforming corner lot that is 107 feet in lot depth, while the minimum required lot depth for a lot in the R-5 District is 120 feet.



**Figure 1 – Aerial Map**



**Figure 2 – Zoning Map**

## PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

The residence was built in 1921. The following subsequent building permits were issued in:

1. 1966 to enclose a porch; and
2. 1995 to construct a second-floor addition.

Other minor permits have been issued over the last several years. The Applicant acquired the property in 2018. There are no previous zoning cases on file for the Subject Property.

Figure 3 below and Figures 4 and 5 on the following page are current photos of the site.



**Figure 3 – Subject Property (Front Elevation – Fuller Lane)**



**Figure 4 – Subject Property (Corner - Front Elevation – Winnetka Avenue)**



**Figure 5 – Subject Property (Rear Elevation – West)**

## PROPOSED PLAN

The variations are being requested in order to construct a one-and-half-story addition on the west side of the existing residence. The existing nonconforming one-car detached garage would be removed to accommodate the proposed addition, which would include a two-car attached garage. The proposed increase in GFA is 993.23 square feet. The proposed additions are described as follows:

### First Floor:

- Two-car attached garage measuring approximately 22 feet by 20 feet (440 square feet);
- Garage storage measuring approximately 3.92 feet by 13 feet (51 square feet);
- Family room measuring approximately 16.6 feet by 16.75 feet (278 square feet) with a bay window measuring 64 square feet that does not contribute to the GFA; and
- Mudroom measuring approximately 5.9 feet by 15.84 feet (93 square feet).

### Second Floor/Half-Story:

- Office and bathroom contributing 132 square feet of GFA.

Excerpts of the proposed site plan, floor plans, and proposed building elevations are provided on the following pages as Figures 7 through 12. The complete set of plans are provided in the application materials (Attachment C).

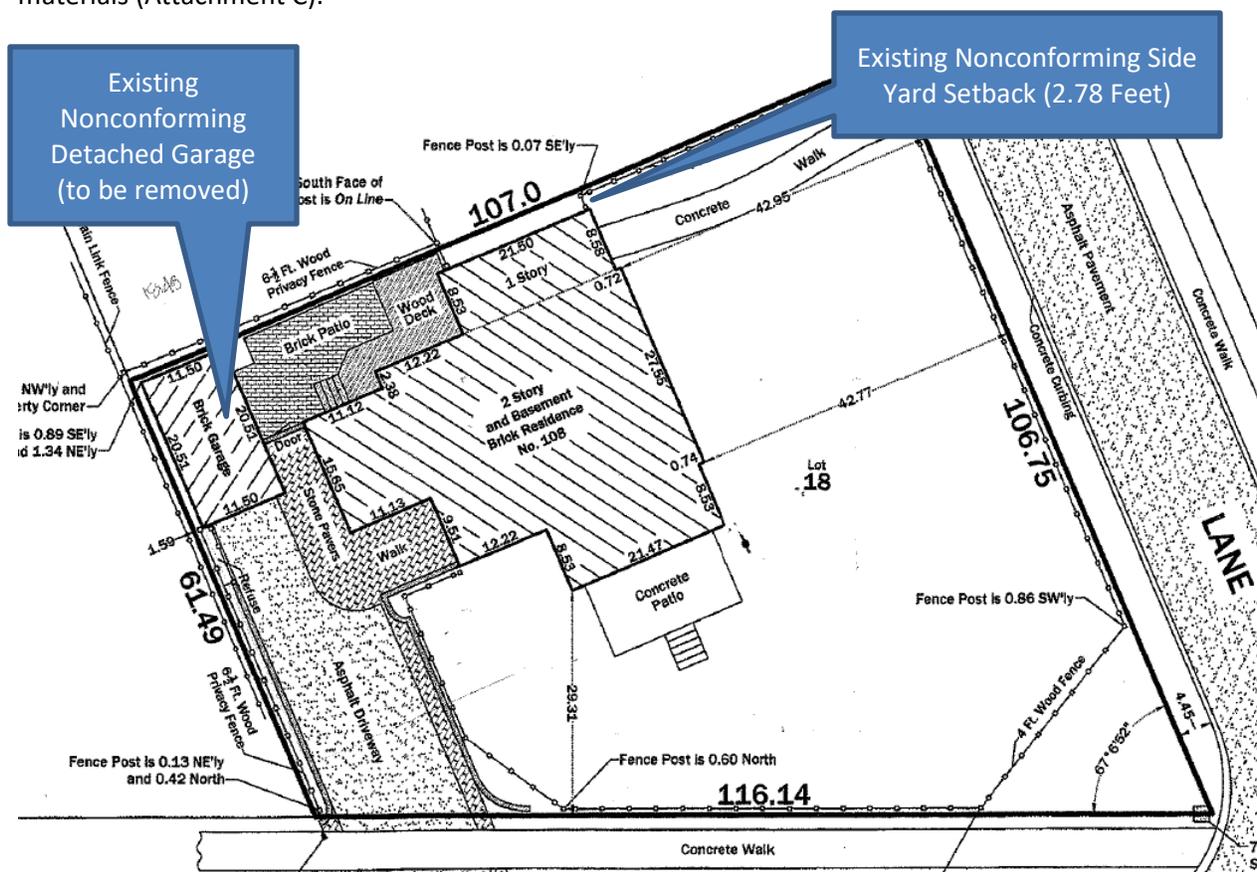
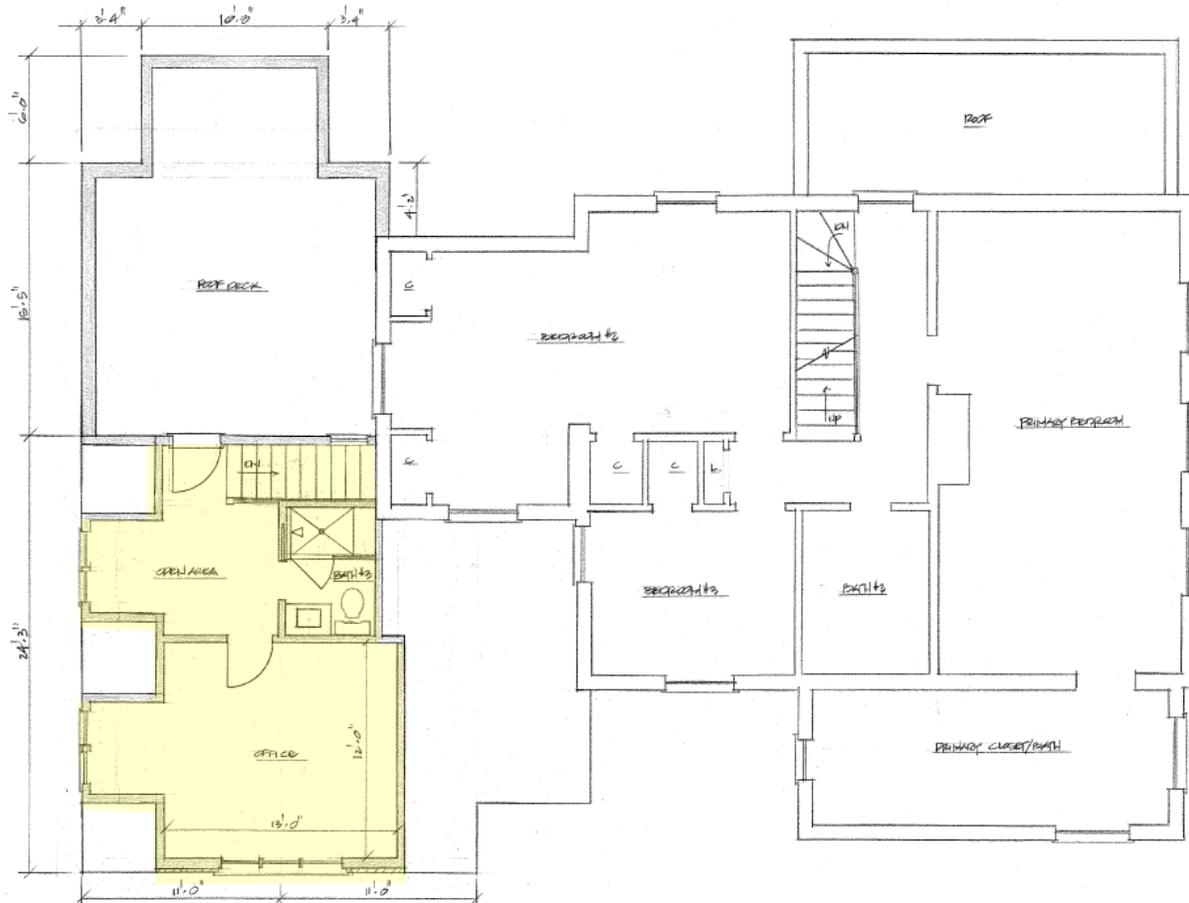


Figure 6 – Excerpt of June 15, 2018 Plat of Survey (Existing Improvements)





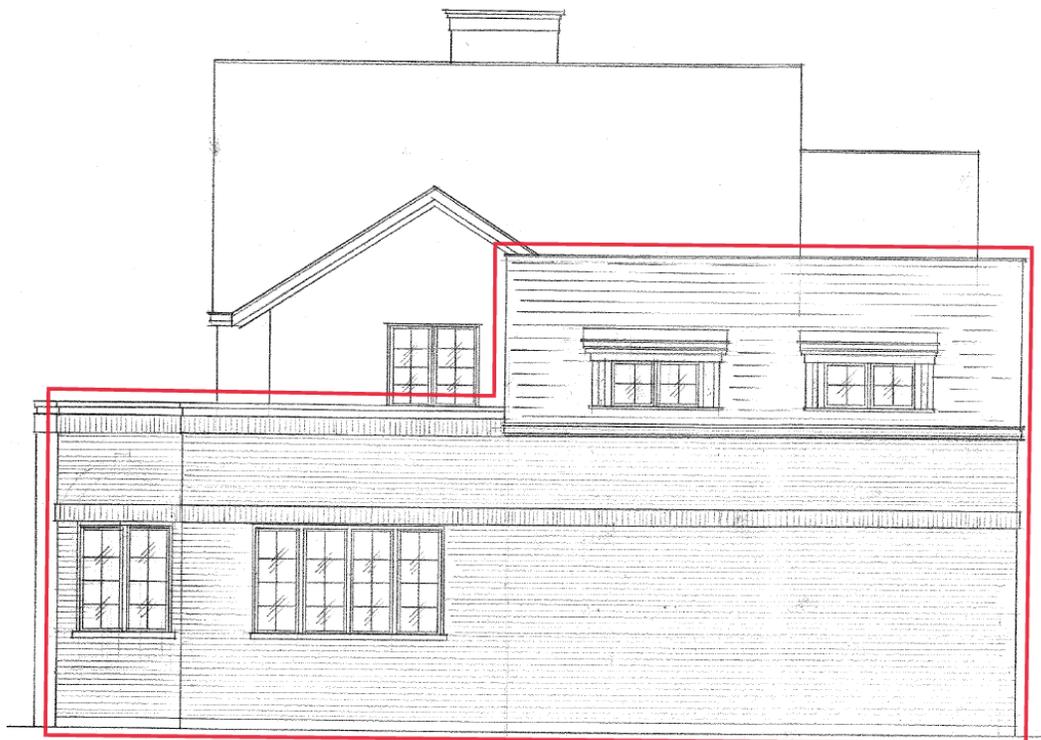
**Figure 9 – Excerpt of Proposed Second Floor Plan**



**Figure 10 – Proposed South Elevation (Winnetka Avenue)**



**Figure 11 – Proposed North Elevation**



**Figure 12 – Proposed West Elevation**

Given the ZBA often receives questions regarding the stormwater regulations applicable to a specific request being considered by the ZBA, attached is a Stormwater Matrix (Attachment B). Based on the proposed plan, it appears additional stormwater detention would not be required. However, a final determination will be made by Village Engineering staff. Figure 13 on the following page represents the Subject Property's proximity to the floodplain; the cyan represents the 100-year flood area.



**Figure 13 – GIS Floodplain Map**

**REQUESTED ZONING RELIEF**

The attached zoning matrix highlights the existing lot and the proposed improvement’s compliance with the R-5 zoning district (Attachment A). Five variations are being requested: (1) gross floor area; (2) minimum corner yard setback; (3) minimum side yard setback; (4) minimum rear yard setback; and (5) maximum front-facing attached garage door width.

Maximum Building Size (GFA). The site currently contains 2,795.8 square feet of GFA. The increase in GFA with the proposed addition is 993.23 square feet; bringing the total GFA to 3,789.03 square feet, whereas a maximum of 3,600.34 square feet is permitted, a variation of 188.69 square feet (5.24%).

Corner Yard Setback (Winnetka Avenue). The existing residence currently provides a corner yard setback of 29.31 feet. The proposed addition would provide a corner yard setback of 12.25 feet, whereas a minimum of 25.24 feet is required, a variation of 12.99 feet (51.45%).

Side Yard Setback (North Property Line). The existing residence is legally nonconforming with respect to the required side yard setback as it currently provides a side yard setback of 2.78 feet from the north property line, encroaching the minimum required setback of 8.41 feet by 5.63 feet. The proposed addition would provide a side yard setback of 3.57 feet, requiring a variation of 4.84 feet (57.55%). It is worth noting that the existing detached garage is also legally nonconforming with respect to the required side yard setback as it currently provides a side yard setback of 0.8 feet from the north property line. Detached garages are allowed reduced setbacks when located in the rear quarter of the lot depth. In this particular case, a minimum side yard setback of 2 feet from the north property line is allowed.

Rear Yard Setback (West Property Line). The existing residence currently provides a rear yard setback of 18.49 feet from the west property line and the existing detached garage provides a rear yard setback of 1.34 feet. The existing detached garage would be removed to accommodate the proposed addition, which would provide a rear yard setback of 2 feet, whereas a minimum rear yard setback of 16.05 feet is required, a variation of 14.05 feet (87.54%). An attached garage is required to comply with the same setbacks required for the residence. If a detached garage is located in the rear quarter of the lot, a minimum rear yard setback of 6 feet is required in this case because the Subject Property is abutting the side yard of the adjacent property to the west (the New Trier Athletic Fields).

Front-Facing Attached Garage Door Width. The proposed garage door would be 18 feet in width. The Zoning Ordinance allows a maximum of two individual 9-foot wide garage doors on a front-facing attached garage.

## FINDINGS

Does the ZBA find that the requested variations meet the standards for granting such variations; and if so, is the ZBA prepared to make a recommendation to the Village Council regarding the requested relief? If so, a ZBA member may wish to make a motion recommending approval or recommending denial based upon the following:

Move to recommend **approval [denial]** of the following variations granting:

1. Gross Floor Area (GFA) of 3,789.03 square feet, whereas a maximum of 3,600.34 square feet is permitted, a variation of 188.69 square feet (5.24%) [Section 17.30.040 – Maximum Building Size];
2. Corner Yard Setback of 12.25 feet from Winnetka Avenue, whereas a minimum of 25.24 feet is required, a variation of 12.99 feet (51.46%) [Section 17.30.050 – Front and Corner Yard Setbacks];
3. Side Yard Setback of 3.57 feet from the north property line, whereas a minimum of 8.41 feet is required, a variation of 4.84 feet (57.55%) [Section 17.30.060 – Side Yard Setback];
4. Rear Yard Setback of 2 feet from the west property line, whereas a minimum of 16.05 feet is required, a variation of 14.05 feet (87.54%) [Section 17.30.070 – Rear Yard Setback]; and
5. Front-facing attached garage door width of 18 feet, whereas a maximum width of 9 feet is permitted for an individual door, a variation of 9 feet (100%) [Section 17.30.110 – Garages].

The Zoning Board of Appeals finds, based on evidence in the record or a public document, that the variations requested are **in harmony [not in harmony]** with the general purpose and intent of the Zoning Ordinance and that each of the following eight standards on which evidence is required pursuant to Section 17.60.050 of this Code **has been met [has not been met]** in connection with this variation application **[subject to the following conditions...]**

The eight standards to consider when granting a variation are as follows:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
2. The plight of the owner is due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.
3. The variation, if granted, will not alter the essential character of the locality.
4. An adequate supply of light and air to the adjacent property will not be impaired.
5. The hazard from fire and other damages to the property will not be increased.
6. The taxable value of the land and buildings throughout the Village will not diminish.
7. The congestion in the public street will not increase.
8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

**ATTACHMENTS**

Attachment A: Zoning Matrix

Attachment B: Stormwater Matrix

Attachment C: Application Materials

Attachment D: Public Correspondence

**ATTACHMENT A**

**ZONING MATRIX**

**ADDRESS: 108 Fuller Lane**

**CASE NO: 22-04-V2**

**ZONING: R-5**

<b>ITEM</b>	<b>MIN/MAX REQUIREMENT</b>	<b>EXISTING</b>	<b>PROPOSED</b>	<b>DIFFERENCE BETWEEN PROPOSED &amp; EXISTING</b>	<b>ZONING CODE COMPLIANCE (2)</b>
Min. Lot Size	8,900 SF	9,000.84 SF	N/A	N/A	OK
Min. Average Lot Width	70 FT	84.12 FT	N/A	N/A	OK
Min. Lot Depth	120 FT	107 FT	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	2,430.23 SF (1)	1,525.67 SF	2,415.2 SF	889.5 SF	OK
Max. Gross Floor Area	3,600.34 SF (1)	2,795.8 SF	3,789.03 SF	993.23 SF	<b>188.69 SF (5.24%) VARIATION</b>
Max. Impermeable Lot Coverage	4,500.42 SF (1)	3,111.57 SF	3,574.33 SF	462.76 SF	OK
Min. Front Yard (Fuller/East)	30 FT	42.77 FT	42.77 FT	0 FT	OK
Min. Corner Yard (Winnetka/South)	25.24 FT	29.31 FT	12.25 FT	(17.06) FT	<b>12.99 FT (51.46%) VARIATION</b>
Min. Side Yard (North)	8.41 FT	2.78 FT	3.57 FT (3)	0 FT	<b>4.84 FT (57.55%) VARIATION</b>
Min. Rear Yard (West)	16.05 FT	18.49 FT (4)	2 FT	(16.49) FT	<b>14.05 FT (87.54%) VARIATION</b>

**NOTES:**

- (1) Based on lot area of 9,000.84 s.f.
- (2) Variation amount is the difference between proposed and requirement.
- (3) Setback to proposed addition. Existing setback of 2.78 feet would remain.
- (4) Setback to existing residence. Existing detached garage is setback 1.34 feet.
- (5) Variation is required to allow a front-facing attached garage door 18-feet in width, whereas a maximum width of 9 feet is permitted.**

**ATTACHMENT B**  
**Stormwater Volume Requirements for Development Sites**

*In addition to meeting the following storm water volume detention requirements, development sites must meet all other Village storm water management requirements such as drainage and grading, storm water release rates, storage system design requirements, etc.*

	<b>Storm Water Detention Volume Requirements</b>	<b>Applicable Requirement</b>
<b>A. New Home Construction - Previously Developed Lot</b>	The amount of additional required storm water detention volume is based upon the difference between maximum impermeable lot coverage, per Zoning Code, and existing lot coverage, using the run-off coefficient for a 100-year storm event for both.	
<b>B. New Home Construction - Previously <u>Undeveloped</u> Site</b>	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
<b>C. Redevelopment of Site for Different Use (e.g. single family to multi-family, or commercial)</b>	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
<b>D. Improvements to Existing Home and/or Lot, causing an increase in impermeable lot coverage <u>greater or equal to 25%</u>.</b>	The amount of additional required storm water detention volume is based upon the difference between the proposed and existing impermeable lot coverage, using the run-off coefficient for 100 year storm event. (Note: If the increase in impermeable lot coverage is less than 25%, additional storm water detention volume is <u>not</u> required.)	<b><i>Applies to 108 Fuller Lane</i></b> <i>Based upon preliminary review of information to date, it appears that 108 Fuller Lane <u>would not</u> have to provide additional storm water detention volume. <b>However, a final determination will be made by Village Engineering staff.</b></i>

VILLAGE OF WINNETKA, ILLINOIS  
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. 22-04-V2

Property Information

Site Address: 108 Fuller Lane

Owner Information

Name: Julia and Brian Goodwin

Address: 108 Fuller Lane

City, State, ZIP: Winnetka, IL 60093

Email: [Redacted]

Primary Contact: Brian Goodwin

Phone No. [Redacted]

Date property acquired by owner: 6/2018

Architect Information

Name: Healy M. Rice

Primary Contact: Healy Rice

Address: 415 Washington Ave.

City, State, ZIP: Wilmette, IL 60091

Phone No. 847-853-0824

Email: healyrice@comcast.net

Attorney Information

Name: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone No. \_\_\_\_\_

Email: \_\_\_\_\_

Nature of any restrictions on property: none known

Brief explanation of variation(s) requested (attach separate sheet providing additional details):  
rear yard setback/sideyard setback/side yard adjoining a street setback/garage door width

Property Owner Signature [Redacted]

Date: 1/5/2022

**Julia and Brian Goodwin  
108 Fuller Lane  
Winnetka, Illinois 60093**

Request for Zoning Variation

108 Fuller Lane is located on northwest corner of Winnetka Avenue and Fuller Lane. We are seeking zoning relief to construct one- and one and a half-story additions to our legally non-conforming home. We wish to demolish our existing detached one car garage, and build a new two-car garage, family room and mudroom on our legally non-conforming property. The proposed additions will require rear, side and side yard adjoining a street variations, and FAR variation of 188.00 sf. We also seek permission to use one 18'-0" overhead garage door in lieu of two individual doors. Lot coverage requirements will be compliant, and impervious surface coverage will be reduced.

We seek this variation due to practical difficulty and hardship. Our corner lot is an irregular trapezoid with the wider front yard on Fuller Lane. The lot narrows from 106.75 to 61.49 feet on the west side. We wish to demolish our detached one-car garage and existing driveway, and construct a new two-car garage, mudroom, family room and more practical driveway. The existing garage is dilapidated and insufficient for our cars, bicycles, yard equipment, etc. There is no mudroom or family room. The siting of the house on the property is original. Having two legal front yards, the only practical location for an addition is west of the main house. As the lot narrows, the required setbacks are not achievable. We are not eligible for the 200 sf attached garage bonus because of having two front yards and not enough room behind the house to build a proper structure; this is the FAR variation square footage we request.

Our property is adjacent to the New Trier High School and its east athletic field. We feel our proposed addition location is logical as it is highly unlikely that there will ever be a home or structure built on the New Trier property. Our additions are one and one and a half stories, lower than our existing house and neighboring homes on Fuller that butt up to the field. The proposed west location also preserves the open feel of our corner lot as the addition is tucked behind the house.

There is very restrictive parking for school staff and students on both Winnetka Avenue and Fuller Lane. We feel strongly that a two-car garage is a reasonable request, and ask permission for a single 18.0' garage door in lieu of two 9.0' doors to make turning around on our property a safer option, rather than having to back out blindly between cars and pedestrians onto Winnetka Avenue. The proposed wider door enables easier access to the new turnaround space, which also provides a place for our family and guest vehicles to park during restricted hours.

The proposed addition would improve the north and west setbacks from what currently exist and reduces the impervious surface coverage by 347 square feet. The south setback will encroach on Winnetka Avenue closer than the current house south wall by 1.80 feet. The current garage is only 1.34 feet from the west property line, and .89' (10 1/2") from the north property line; the house is 2.78 feet from the north property line. Our addition will be 2.00 feet from the west property line, and would be 3.58 feet from our north lot line, improving both setbacks from their existing non-conformities. We will be closer to Winnetka Avenue than presently exists, but the proposed driveway layout provides adequate turning space to safely enter and exit the property.

Our adjacent neighbors will be minimally affected by the proposed changes. To the south, the closest homes are Kenilworth properties and face Roslyn and Cumberland Roads; they are more than 60 feet away from our new garage. To the east, there is no change from the existing, and to the west is the New Trier athletic field. To the north, the addition will be farther away than our existing house and garage, and will be equal in height to the north wall closest to their home.

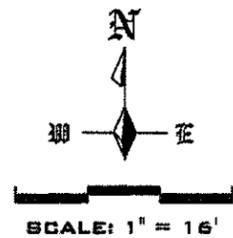
The proposed zoning relief does not alter the essential character of the neighborhood and will be consistent with the goals, objectives, and policies established in the zoning ordinance. The proposed variation will not impair an adequate supply of light and air to the adjacent properties, will not injure other property and its use, will not substantially increase the danger of fire or otherwise endanger public health, safety and welfare, and will not substantially diminish or impair property values within the neighborhood.

Thank you for your consideration.

# PLAT OF SURVEY

IN ORTH'S SUBDIVISION OF PART OF THE SOUTHEAST FRACTIONAL QUARTER OF  
 SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL  
 MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 108 FULLER LANE, WINNETKA, ILLINOIS.



**NORTH SHORE SURVEY, LTD.**  
 778 FRONTAGE ROAD #110 - NORTHFIELD, ILLINOIS 60093  
 (847) 446-6510 NBSURVEY@BSCGLOBAL.NET  
 PROFESSIONAL DESIGN FIRM NO. 184.006982

State of Illinois }  
 County of Cook } SS

WE, North Shore Survey, Ltd., do hereby certify that we have surveyed the property  
 as described in the above caption in accordance with official records and/or previous  
 surveys and that the plat hereon drawn is a correct representation of said survey.

*Arthur R. Chan*  
 PROFESSIONAL ILLINOIS LAND SURVEYOR  
 LICENSE NO. 35-2232 EXP. 11-30-2018

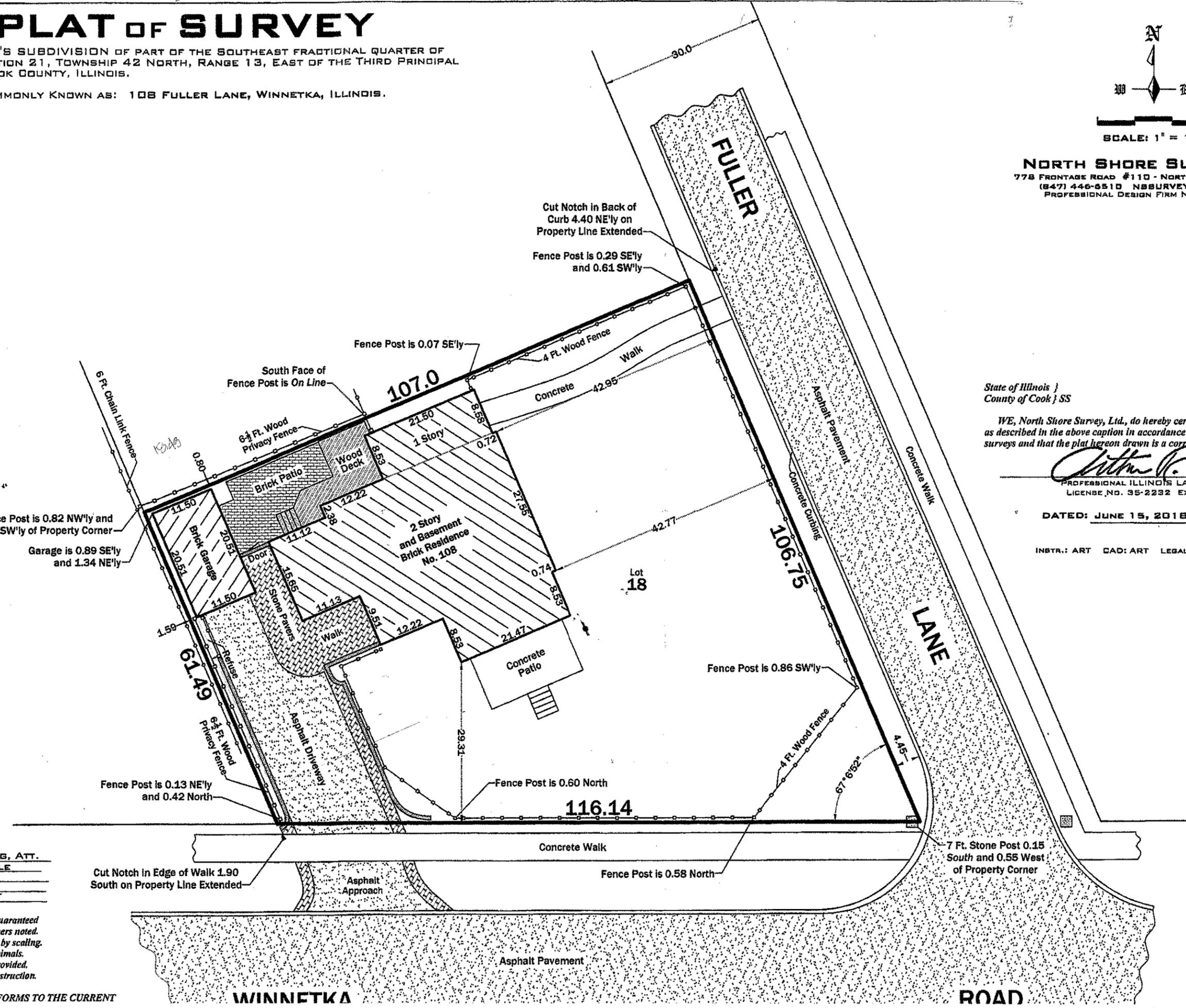
DATED: JUNE 15, 2018

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WIN KEATING, ATT.  
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 6-19-18  
 AND PDF

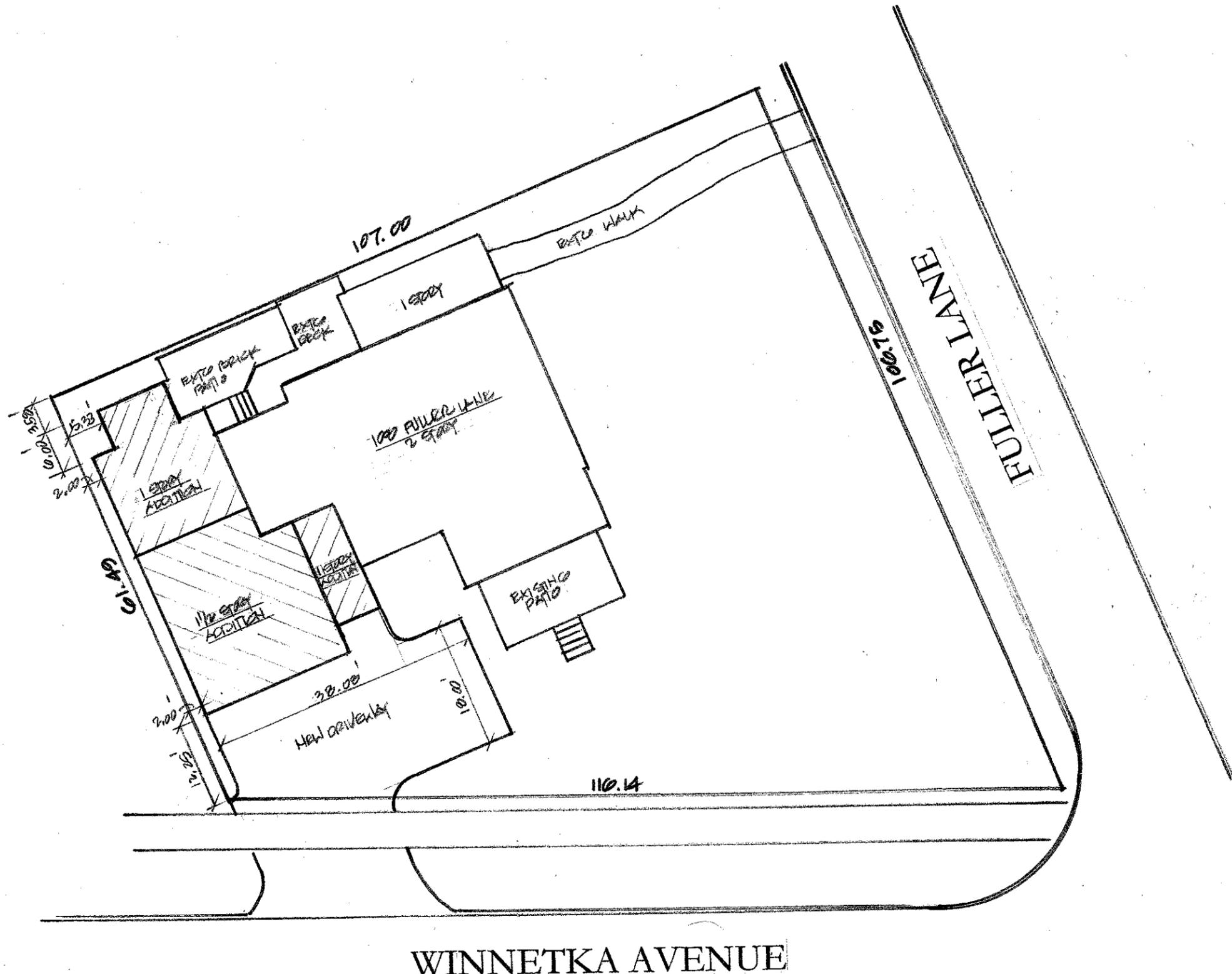
Efficient nor guaranteed  
 property corners noted.  
 not to be assumed by scaling  
 in feet and decimals.  
 as per title, if provided.  
 read prior to construction.

REVISIONS CONFORMS TO THE CURRENT



WINNETKA

ROAD



**SITE PLAN**

1"=16'-0"

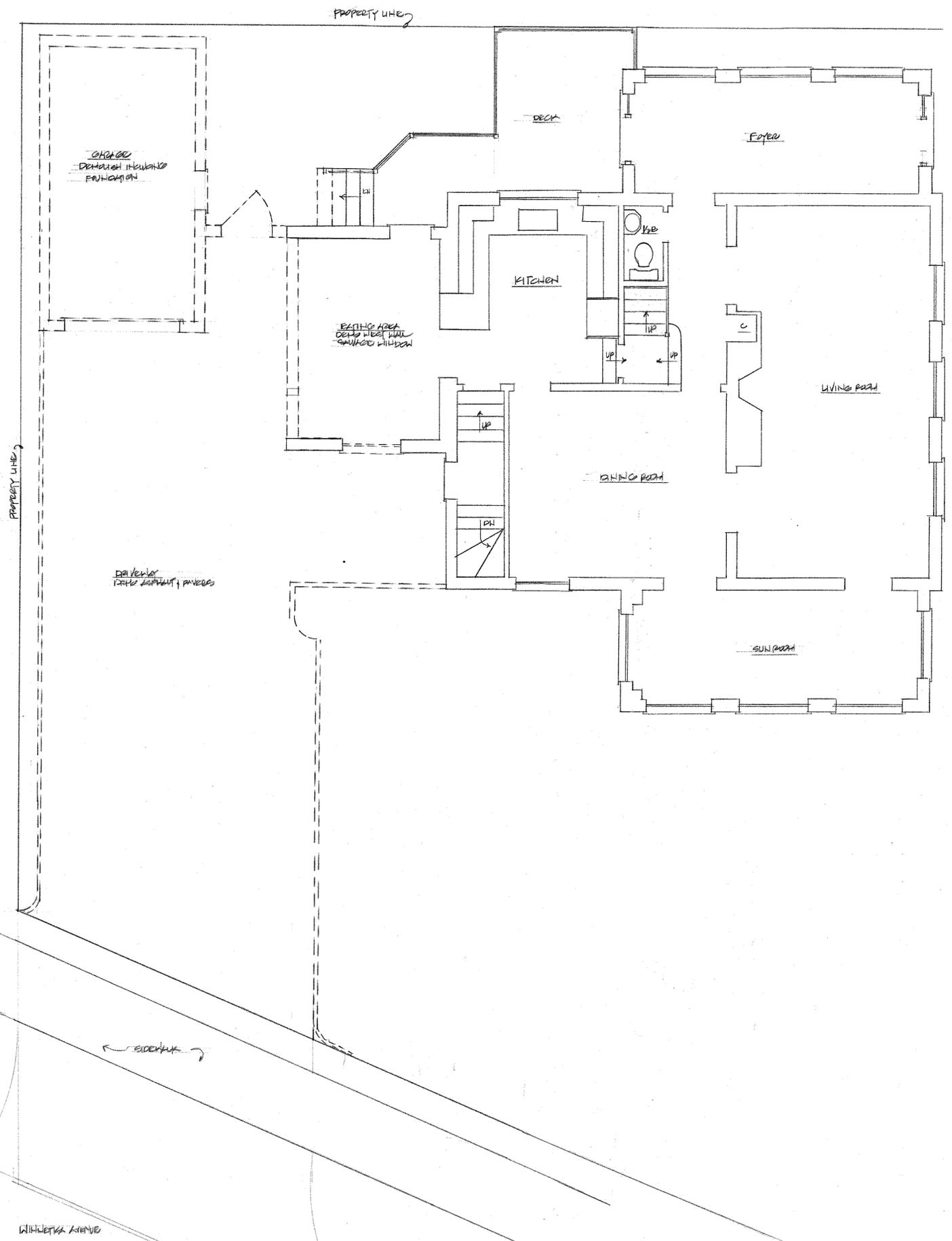
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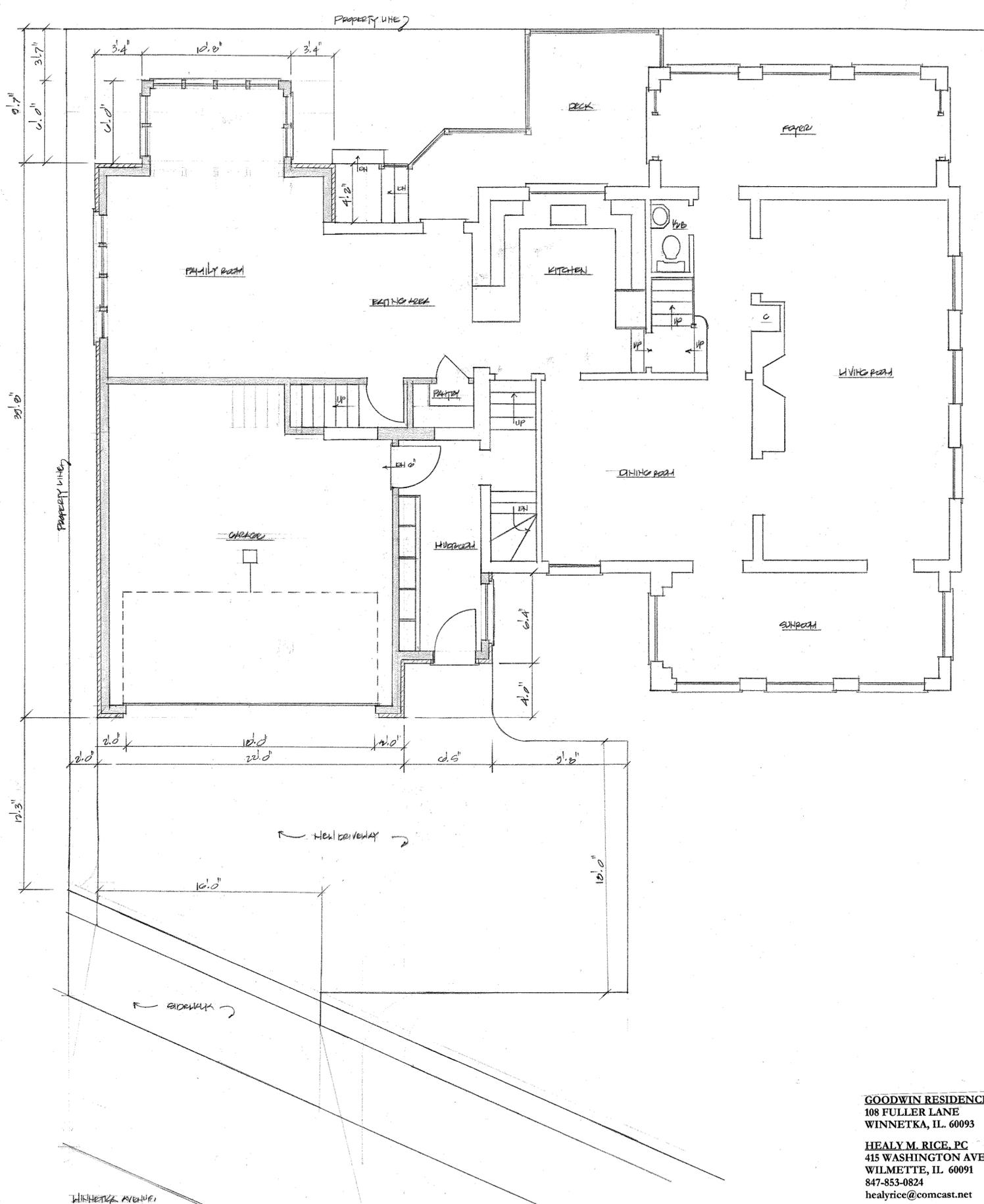
WINNETKA AVENUE

**GOODWIN RESIDENCE**  
 108 FULLER LANE  
 WINNETKA, IL. 60093

**HEALY M. RICE, PC**  
 415 WASHINGTON AVE.  
 WILMETTE, IL 60091  
 847-853-0824  
 healyrice@comcast.net



**1<sup>ST</sup> FLOOR DEMOLITION**  
 1/4" = 1'-0"  
 DEMOLITION = - - -

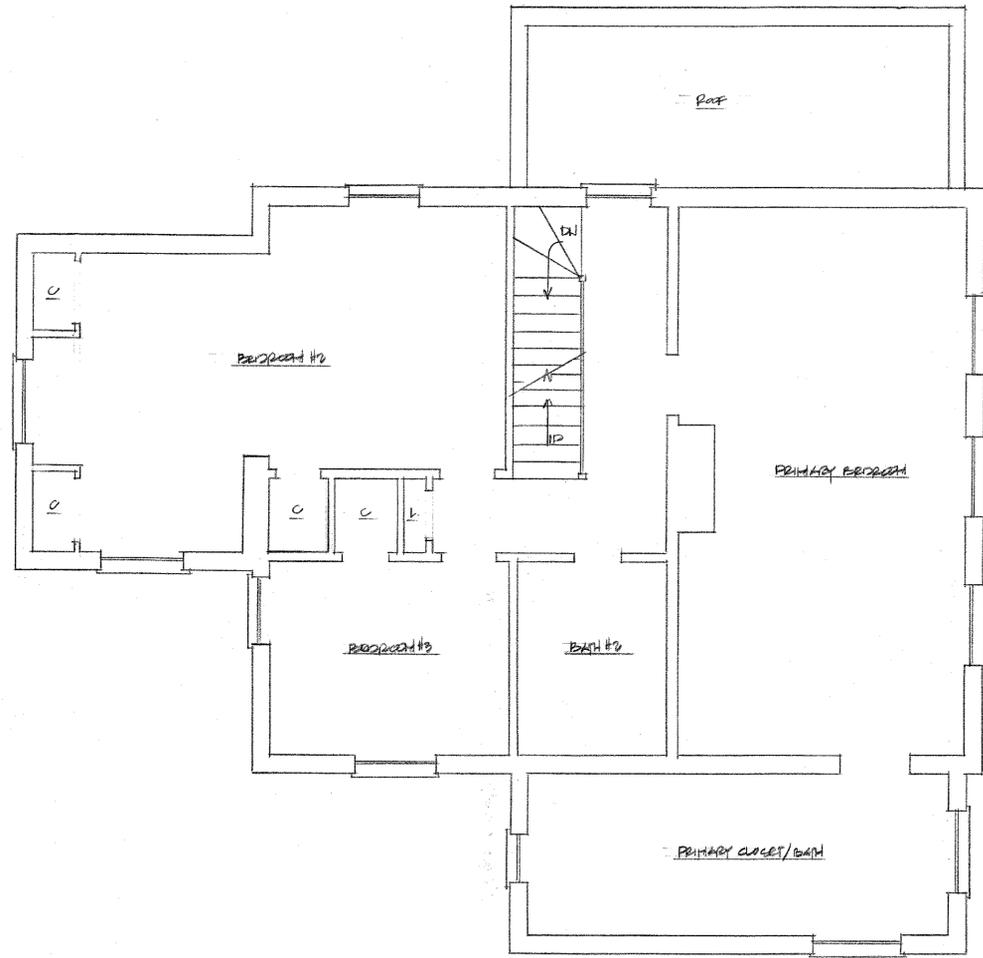


**1<sup>ST</sup> FLOOR PLAN**  
 1/4" = 1'-0"  
 NEW CONSTRUCTION = ———

**GOODWIN RESIDENCE**  
 108 FULLER LANE  
 WINNETKA, IL. 60093

**HEALY M. RICE, P.C.**  
 415 WASHINGTON AVE.  
 WILMETTE, IL. 60091  
 847-853-0824  
 healyrice@comcast.net

DATE 13 JAN 22  
 REVISED  
 SHEET 1 OF 4



**2<sup>ND</sup> FLOOR DEMOLITION**  
 1/4" = 1'-0"  
 DEMOLITION



**2<sup>ND</sup> FLOOR PLAN**  
 1/4" = 1'-0"  
 NEW CONSTRUCTION

**GOODWIN RESIDENCE**  
 108 FULLER LANE  
 WINNETKA, IL. 60093

**HEALY M. RICE, P.C.**  
 415 WASHINGTON AVE.  
 WILMETTE, IL 60091  
 847-853-0824  
 healyrice@comcast.net

DATE 13 JAN 22  
 REVISED

SHEET 2 OF 4



**EXISTING SOUTH ELEVATION**

1/4" = 1'-0"



**EXISTING WEST ELEVATION**

1/4" = 1'-0"



**EXISTING NORTH ELEVATION**

1/4" = 1'-0"

**GOODWIN RESIDENCE**  
108 FULLER LANE  
WINNETKA, IL. 60093

**HEALY M. RICE, P.C.**  
415 WASHINGTON AVE.  
WILMETTE, IL 60091  
847-853-0824  
healyrice@comcast.net

DATE 13 JAN 22  
REVISED

SHEET 3 OF 4



**PROPOSED SOUTH ELEVATION**

1/4" = 1'-0"



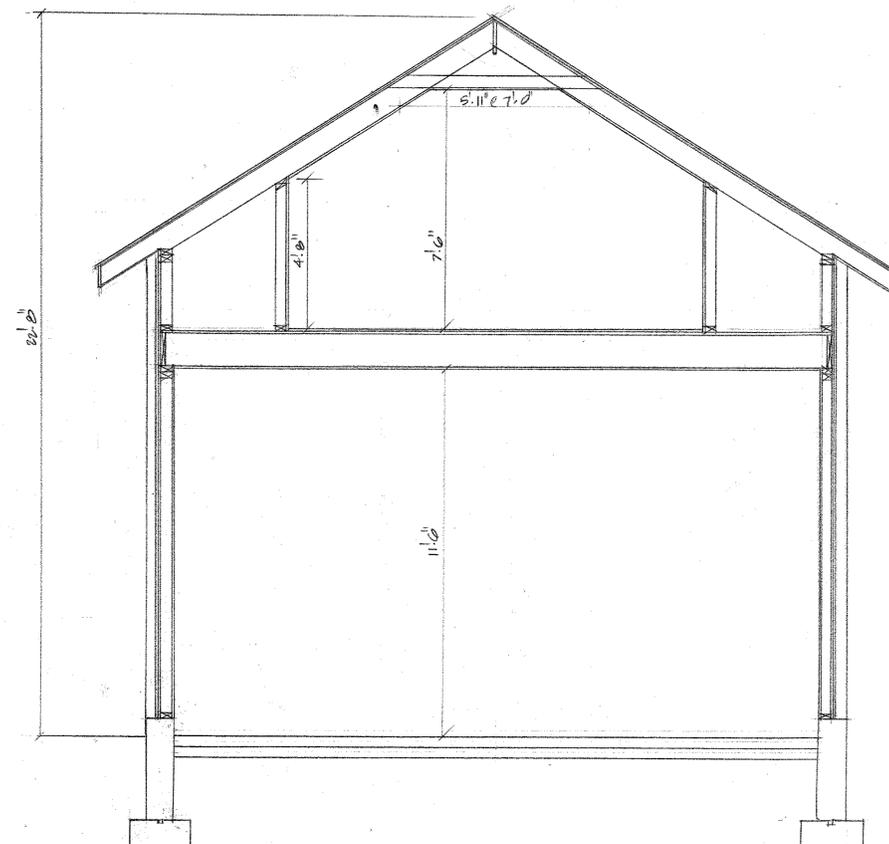
**PROPOSED WEST ELEVATION**

1/4" = 1'-0"



**PROPOSED NORTH ELEVATION**

1/4" = 1'-0"



GOODWIN RESIDENCE  
108 FULLER LANE  
WINNETKA, IL. 60093

HEALY M. RICE, PC  
415 WASHINGTON AVE.  
WILMETTE, IL 60091  
847-853-0824  
healyrice@comcast.net

DATE 13 JAN 22  
REVISED

SHEET 4 OF 4

## ATTACHMENT D

**From:** [REDACTED]  
**To:** [Planning](#)  
**Subject:** 22-04-V2  
**Date:** Thursday, January 27, 2022 8:28:58 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Writing to support approval of addition to 108 Fuller lane  
Godwin residence

Todd Helmink  
115 Fuller

[Sent from Yahoo Mail for iPhone](#)



# MEMORANDUM VILLAGE OF WINNETKA

## COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** ZONING BOARD OF APPEALS  
**FROM:** ANN KLAASSEN, SENIOR PLANNER  
**DATE:** FEBRUARY 9, 2022  
**SUBJECT:** 490 SUNSET ROAD - VARIATIONS (CASE NO. 22-05-V)

### INTRODUCTION

On February 14, 2022, the Zoning Board of Appeals is scheduled to hold a virtual public hearing, in accordance with social distancing requirements, Governor Pritzker's Executive Orders, and Section 7(e) of the Illinois Open Meetings Act, on an application submitted by Francisco Robles and Jamie Thomas (collectively, the "Applicant"), as the owners of the property located at 490 Sunset Road (the "Subject Property"). The Applicant requests approval of the following zoning variations to allow construction of an addition to the existing residence on the Subject Property:

1. Gross Floor Area (GFA) of 4,078.8 square feet, whereas a maximum of 3,818.5 square feet is permitted, a variation of 260.3 square feet (6.82%) [Section 17.30.040 – Maximum Building Size]; and
2. Front Yard Setback of 16.42 feet from Myrtle Street, whereas a minimum of 30 feet is required, a variation of 13.58 feet (45.27%) [Section 17.30.050 – Front and Corner Yard Setbacks] [Note: The residence currently provides a front yard setback of 12.45 feet.].

A mailed notice was sent to property owners within 250 feet of the Subject Property in compliance with the Zoning Ordinance. The hearing was properly noticed in the *Winnetka Talk* on January 27, 2022. As of the date of this memo, staff has not received any written comment from the public regarding this application.

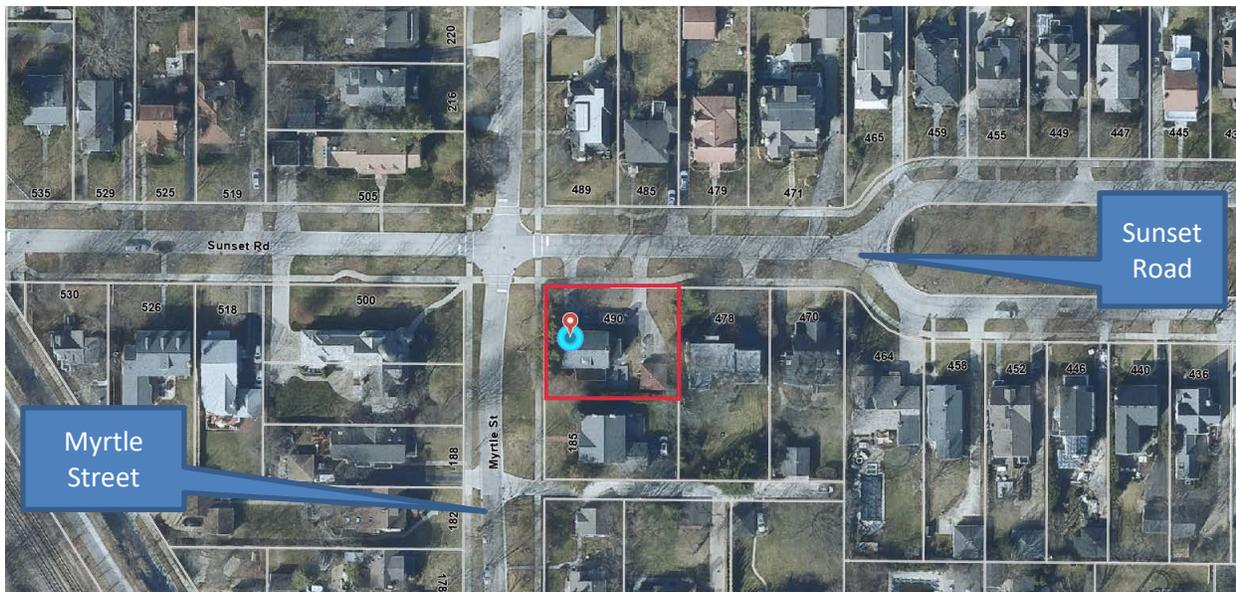
***The Zoning Board of Appeals has final jurisdiction on this request as the Board has the authority to grant variations to (i) reduce a front yard setback for any principal building by no more than 50%; and (ii) allow a zoning lot with a pre-FAR building (constructed prior to 1989) to exceed the maximum permitted gross floor area by no more than 10%.***

### PROPERTY DESCRIPTION

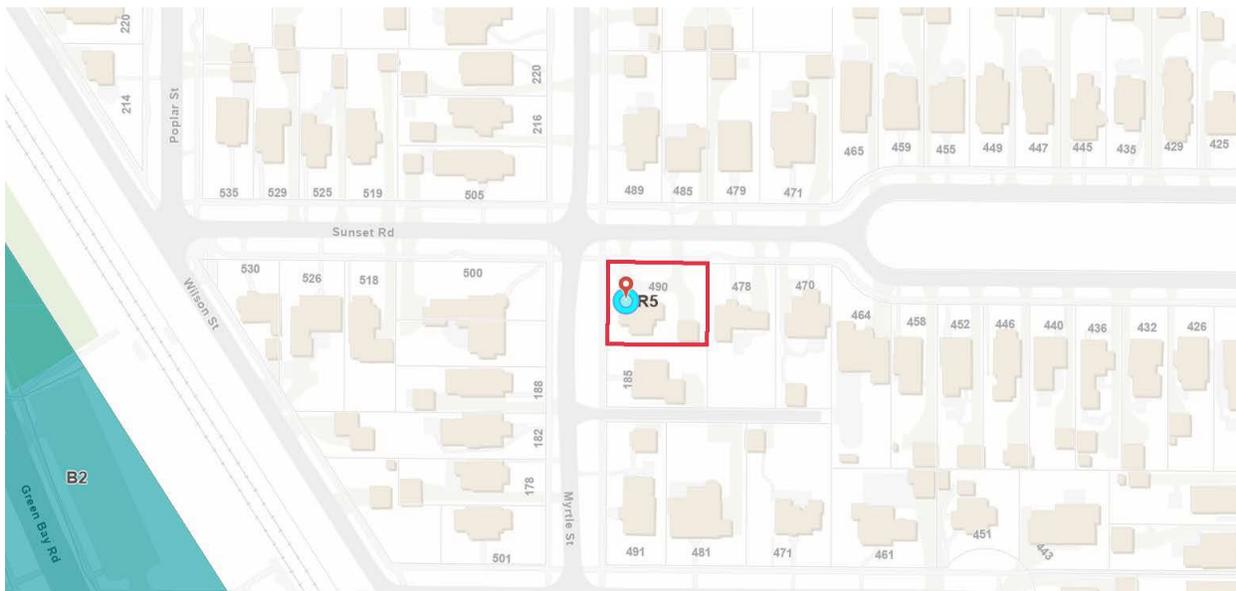
The Subject Property, which is approximately 0.23 acres in size, is located on the southeast corner of the intersection of Sunset Road and Myrtle Street and contains an existing two-and-a-half-story residence and a detached garage (see Figure 1). The property is zoned R-5 Single Family Residential, and it is surrounded by R-5 Single Family Residential (see Figure 2). The Comprehensive Plan designates the Subject Property as appropriate for single family residential development. The zoning of the property is consistent with the Comprehensive Plan.

The existing lot is a legal non-conforming corner lot that is 110.43 feet in lot depth (measured from Myrtle Street to the east property line), while the minimum required lot depth for a lot in the R-5 District

is 120 feet. The existing garage, which is to remain, is also non-conforming as it is 6.93 feet from the south property line and the code requires a minimum side yard setback of 9.07 feet, because the garage is not located within the rear quarter of the lot depth. If the detached garage were located within the rear quarter (the east 27.61 feet of the lot), a setback of 2 feet would be allowed from the south property line.



**Figure 1 – Aerial Map**



**Figure 2 – Zoning Map**

**PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS**

The original building permit for the residence is not available in Village files; however, it is believed that the residence was built circa 1916. The following subsequent building permits were issued in:

1. 1924 to construct a one-story frame porch; and
2. 1997 to construct detached garage.

A demolition permit to remove the existing residence was approved by the Landmark Preservation Commission in February 2008. The demolition permit was subsequently withdrawn by the owner of the Subject Property at that time. Other minor permits have been issued over the last several years. The Applicant acquired the property in 2020. There are no previous zoning cases on file for the Subject Property.

Figures 3 and 4 below are current photos of the site.



**Figure 3 – Subject Property (Corner Front Elevation – Sunset Road)**



**Figure 4 – Subject Property (Front Elevation – Myrtle Street)**

## PROPOSED PLAN

The variations are being requested in order to construct a two-and-a-half-story addition located on the south side of the residence. The existing one-story sunroom on the south elevation, as well as the existing nonconforming one-story mudroom on the west elevation, both seen in Figure 4 on the previous page, would be removed to accommodate the proposed addition. The proposed net increase in GFA is 1,010.8 square feet. The proposed additions are described as follows:

### First Floor:

- Kitchen/breakfast room measuring 15.75 feet by 25 feet (393.75 square feet);
- Family room measuring 18.3 feet by 14.1 feet (258 square feet); and
- Mudroom and side entrance measuring approximately 6.5 feet by 10 feet (65 square feet).

### Second Floor:

- Primary bedroom suite measuring 15.75 feet by 25 feet (393.75 square feet).

Excerpts of the proposed site plan, floor plans, and building elevations are provided below and on the following pages as Figures 5 through 10. The complete set of plans is provided in the application materials (Attachment C).

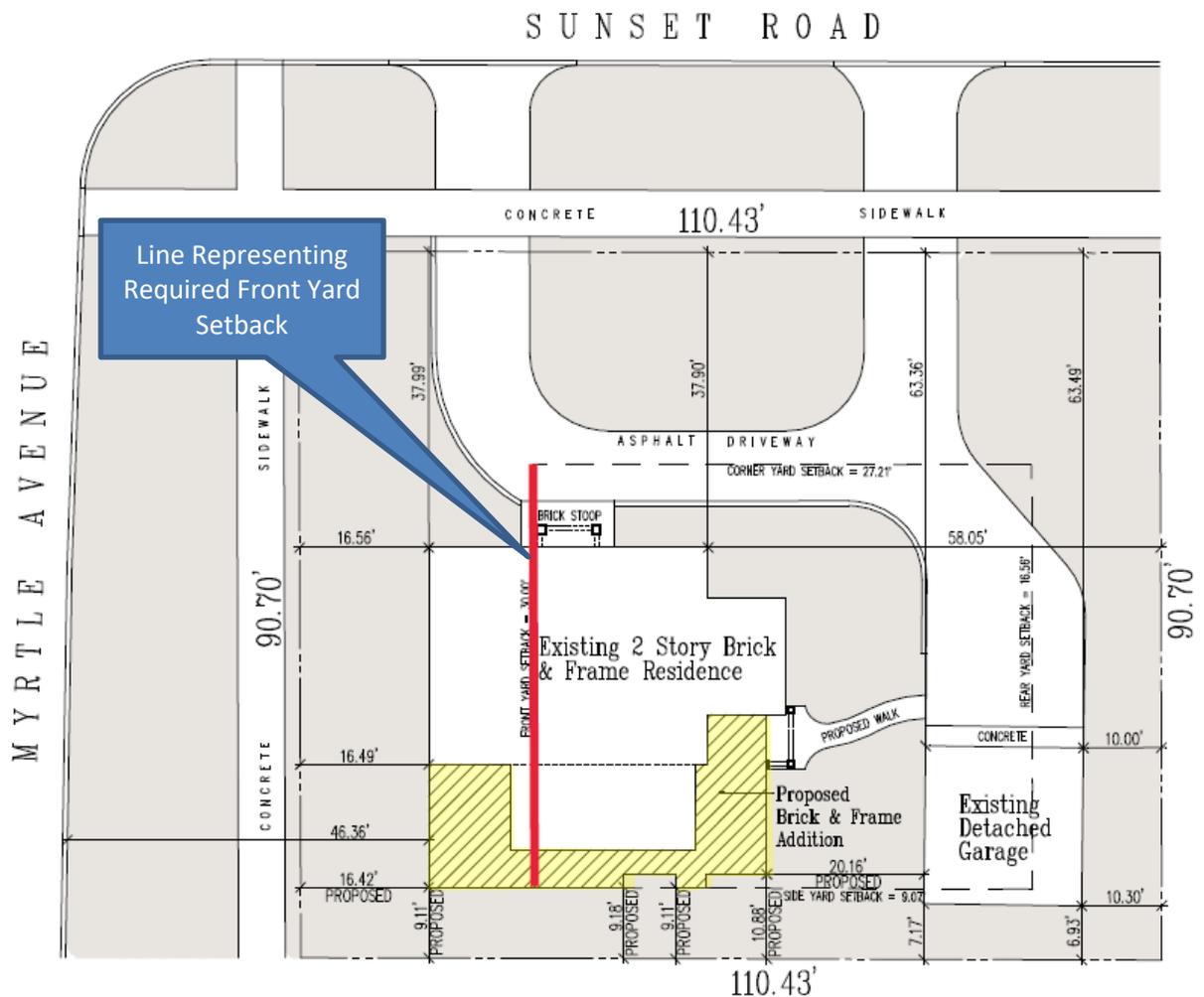


Figure 5 – Excerpt of Site Plan





Figure 8 – Proposed Front Elevation (Myrtle Street)

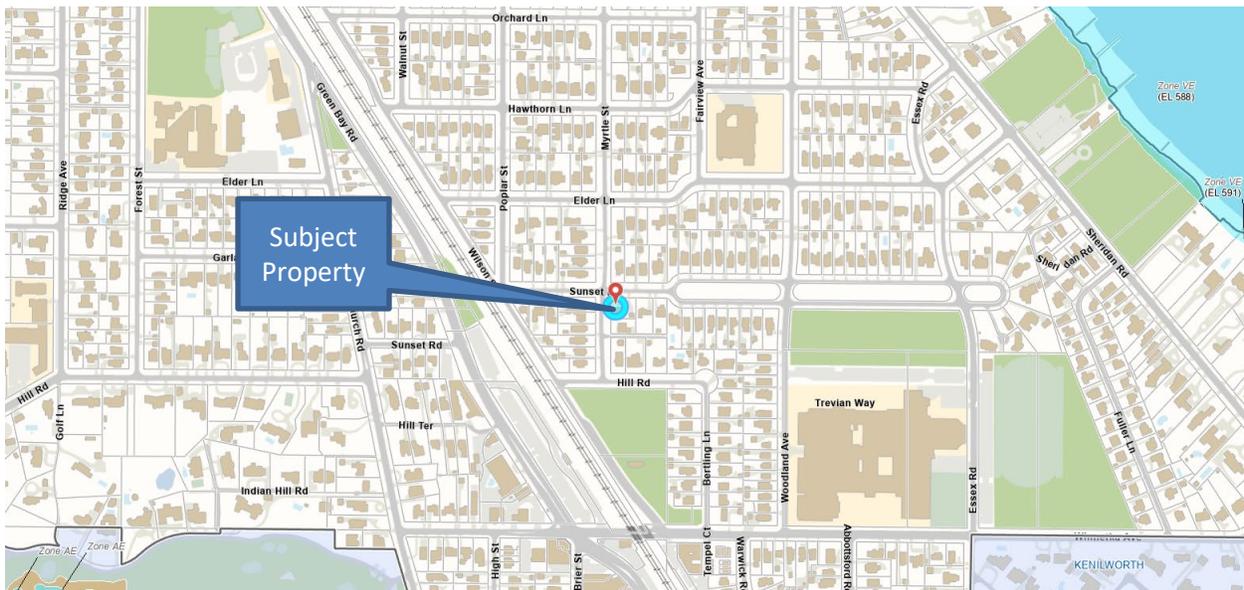


Figure 9 – Proposed East (Rear) Elevation



**Figure 10 – Proposed South (Side) Elevation**

Given the ZBA often receives questions regarding the stormwater regulations applicable to a specific request being considered by the ZBA, attached is a Stormwater Matrix (Attachment B). Based on the proposed plan, it appears additional stormwater detention would not be required. However, a final determination will be made by Village Engineering staff. Figure 11 below represents the Subject Property’s proximity to the floodplain; the cyan represents the 100-year flood area.



**Figure 11 - GIS Floodplain Map**

## **REQUESTED ZONING RELIEF**

The attached zoning matrix highlights the existing lot and the proposed improvement's compliance with the R-5 zoning district (Attachment A). Two variations are being requested: (1) gross floor area; and (2) minimum front yard setback.

Maximum Building Size (GFA). The site currently contains 3,068 square feet of GFA. The net increase in GFA with the proposed addition is 1,010.8 square feet; bringing the total GFA to 4,078.8 square feet, whereas a maximum of 3,818.5 square feet is permitted, a variation of 260.3 square feet (6.82%).

Front Yard Setback (Myrtle Street). The existing residence is legally nonconforming with respect to the required front yard setback as it currently provides a front yard setback of 12.45 feet, encroaching the minimum required setback of 30 feet by 17.55 feet. The portion of the existing residence providing a setback of 12.45 feet would be removed and the proposed addition would provide a front yard setback of 16.42 feet, requiring a variation of 13.58 feet (45.27%).

## **FINDINGS**

In the attached application materials submitted by the Applicant, the Applicant has provided a statement of justification regarding how the requested variations meet the standards for granting the requested zoning variations. Does the ZBA find that the requested variations meet the standards for granting such variations; and if so, is the ZBA prepared to approve the requested variations?

Staff has prepared the attached draft resolutions for the Board's consideration (Attachment D). One resolution approves the request, while the other denies the request. A Board member may wish to make a motion to adopt either the resolution to approve the requested variations or the resolution to deny the requested variations.

## **ATTACHMENTS**

Attachment A: Zoning Matrix

Attachment B: Stormwater Matrix

Attachment C: Application Materials

Attachment D: Draft Resolutions

**ATTACHMENT A**

**ZONING MATRIX**

**ADDRESS: 490 Sunset Road**

**CASE NO: 22-05-V**

**ZONING: R-5**

<b>ITEM</b>	<b>MIN/MAX REQUIREMENT</b>	<b>EXISTING</b>	<b>PROPOSED</b>	<b>DIFFERENCE BETWEEN PROPOSED &amp; EXISTING</b>	<b>ZONING CODE COMPLIANCE (2)</b>
Min. Lot Size	8,900 SF	10,017.48 SF	N/A	N/A	OK
Min. Average Lot Width	70 FT	90.17 FT	N/A	N/A	OK
Min. Lot Depth	120 FT	110.43 FT	N/A	N/A	EXISTING NONCONFORMING
Max. Roofed Lot Coverage	2,704.72 SF (1)	1,860.76 SF	2,288.44 SF	427.68 SF	OK
Max. Gross Floor Area	3,818.5 SF (1)	3,068 SF	4,078.8 SF	1,010.8 SF	<b>260.3 SF (6.82%) VARIATION</b>
Max. Impermeable Lot Coverage	5,008.74 SF (1)	3,992.24 SF	4,230.45 SF	238.21 SF	OK
Min. Front Yard (Myrtle/West)	30 FT	12.45 FT	16.42 FT	+3.97 FT	<b>13.58 FT (45.27%) VARIATION</b>
Min. Corner Yard (Sunset/North)	27.21 FT	37.9 FT	37.9 FT	0 FT	OK
Min. Side Yard (South)	9.07 FT	13.89 FT	9.11 FT	-4.78 FT	OK
Min. Rear Yard (East)	16.56 FT	48.05 FT	47.13 FT	-0.92 FT	OK

**NOTES:**

(1) Based on lot area of 10,017.48 s.f.

(2) Variation amount is the difference between proposed and requirement.

## ATTACHMENT B

### Stormwater Volume Requirements for Development Sites

*In addition to meeting the following storm water volume detention requirements, development sites must meet all other Village storm water management requirements such as drainage and grading, storm water release rates, storage system design requirements, etc.*

	<b>Storm Water Detention Volume Requirements</b>	<b>Applicable Requirement</b>
<b>A. New Home Construction - Previously Developed Lot</b>	The amount of additional required storm water detention volume is based upon the difference between maximum impermeable lot coverage, per Zoning Code, and existing lot coverage, using the run-off coefficient for a 100-year storm event for both.	
<b>B. New Home Construction - Previously <u>Undeveloped</u> Site</b>	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
<b>C. Redevelopment of Site for Different Use (e.g. single family to multi-family, or commercial)</b>	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
<b>D. Improvements to Existing Home and/or Lot, causing an increase in impermeable lot coverage <u>greater or equal to 25%</u>.</b>	The amount of additional required storm water detention volume is based upon the difference between the proposed and existing impermeable lot coverage, using the run-off coefficient for 100 year storm event. (Note: If the increase in impermeable lot coverage is less than 25%, additional storm water detention volume is <u>not</u> required.)	<b><i>Applies to 490 Sunset Road</i></b> <i>Based upon preliminary review of information to date, it appears that 490 Sunset Road <u>would not</u> have to provide additional storm water detention volume. <b>However, a final determination will be made by Village Engineering staff.</b></i>

ATTACHMENT C

Village of Winnetka  
ZONING VARIATION APPLICATION

VILLAGE OF WINNETKA, ILLINOIS  
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

RECEIVED  
JAN 12 2022  
BY: VA2022-019

Case No. 22-05-V

Property Information

Site Address: 490 Sunset Road, Winnetka, IL 60093

Owner Information

Name: Francisco & Jamie Robles

Address: 490 Sunset Road

City, State, ZIP: Winnetka, IL 60093

Email: [REDACTED]

Primary Contact: Jamie Robles

Phone No. [REDACTED]

Date property acquired by owner: 12/11/2020

Architect Information

Name: Charles Hackley

Primary Contact: Tom DeCoste

Address: 440 Green Bay Road

City, State, ZIP: Kenilworth, IL 60043

Phone No. 847-853-8258 (x104)

Email: tom@hackleyarchitects.com

Attorney Information

Name: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone No. \_\_\_\_\_

Email: \_\_\_\_\_

Nature of any restrictions on property: Existing residence encroaches in to 30.00 foot Front Yard Setback by 17.57 feet.

Brief explanation of variation(s) requested (attach separate sheet providing additional details): Requesting 13.58 feet of relief in to 30.00 foot front yard setback. In addition, we are requesting 214.87 square feet of additional gross floor area over the max allowed 3,818.50 square feet.

Property Owner Signature: [REDACTED]

Date: 01/12/2022

January 12, 2022

Village of Winnetka  
Community Development Department  
510 Green Bay Road  
Winnetka, IL 60093

Re: Variation Request for the Robles Residence  
490 Sunset Road  
Letter and Response to Standards for Granting Zoning Variations

The existing 2 ½ story brick and frame house at 490 Sunset Road is a well maintained and mostly intact Colonial Revival house built in 1917. It is sited on the corner of Myrtle Avenue and Sunset Road and represents the typical upscale character, context, and rhythm of Winnetka. The core of the house maintains most of its original layout from 1917 including a large formal living room, generous stair hall, standard dining room and small, isolated kitchen on the first floor. The second floor has three modest bedrooms with one “service” bedroom, two modest baths and a third very small bath. As was common practice in 1917, the original design considered spaces such as the kitchen and second floor baths in a more utilitarian manner. The owners would like to update and expand the house with a more appropriately sized kitchen/breakfast, new family room and a new primary bedroom suite on the second floor over the new first floor additions. These proposed alterations present two zoning issues:

- 1) As a corner lot, the zoning ordinance requires a front yard setback of 30.00 feet and a corner yard setback of 27.21 feet. Due to the original siting of the house, the existing west side along Myrtle Avenue exceeds the front yard setback by 17.55 feet. Due to the formal design of the house, the existing kitchen is located wholly beyond the front yard setback. The formal stair hall is located just to the east of this setback line and acts as a physical barrier to relocating the Kitchen to a suitable location within the allowable buildable area without completely reworking the original formal layout of the house. This stair hall further complicates the second floor design as access to the south would require significantly altering the existing south-east bedroom to provide access to any additions.

Due to the strong formal design of the house and our intent to maintain these original spaces, we are requesting 13.58 feet of relief in to the front yard setback to align our proposed additions with the existing west face of the main structure. This will allow us to keep the majority of the original house intact while improving the house to today’s standards of Winnetka.

- 2) In addition to the existing siting and formal nature of the house, the existing detached garage on the property is sited in a location rendering the property ineligible for the 400 square foot GFA bonus. This standard two-car garage is modestly sized at slightly over 20’ x 20’ and stands in reasonably sound condition. Due to the location of the existing garage and its lack of a GFA bonus, our proposed design exceeds the maximum allowed 3,818.50 square feet by 261.57 square feet. If the garage were sited just 3 feet further to the east it would receive the 400 square foot GFA bonus and our proposed design would be 138.43 square feet under the maximum allowed GFA for the property. While a solution to this problem could be to demolish the existing garage and rebuild a new one 3 feet to the east, it is not reasonable to ask an owner to demolish a sound and functional structure

only to rebuild a few feet over. Instead, we request 261.57 square feet of relief to the maximum allowed GFA to allow for our design.

For the reasons stated above, we request the Zoning Board recommend approval for the requested variations. The variations will not only permit the homeowner to make reasonable use of his house against the practical hardships, but likely ensure the continued usefulness of this property into the future.

Sincerely,

Charles Hackley, Jr.  
Principal

#### Standards for Granting Zoning Variations

*1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allow by regulations in that district;*

- The property currently has a formal floor plan, limiting its ability to expand to the south. We wish to maintain as much of the original house and keep these existing formal spaces intact. To maintain this original character, our only normal and reasonable option for expansion is to align our design with the west face of the main structure to provide adequate circulation throughout the house. Without this approval, the ability for this house to provide the living standards of the modern family are diminished. One suggestion of this hardship is that this house was approved for demolition in 2008/2009 for construction of a new spec home. Fortunately, this house was saved by the economic downturn and is still here today. We wish to have this house remain as part of Winnetka's fabric and context.

*2. The plight of the owner is due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants;*

- The formal and intact nature of this house is becoming rare in the Village today. While being unique in this sense, the unorthodox siting of the buildings on the property make for design with limited solutions. While corner lots may not be unique, siting the building 17.55 feet beyond the front yard setback is. The existing detached garage sited 3 feet from a location that would make it eligible to receive the GFA bonus is an unfortunate issue with the property that is not a result of the current owner.

*3. The variation, if granted, will not alter the essential character of the locality;*

- If granted, the proposed alterations are in keeping with the original character and scale of the locale and would enhance the streetscape by reducing the encroachment in to the Front Yard Setback by 3.97'. Furthermore, removal of the current inconsistent and substandard family room, and the addition of the contextual proposed alterations will enhance the essential character of the locality.

*4. An adequate supply of light and air to adjacent property will not be impaired;*

- The proposed design respects all other required setbacks and height regulations. There will be no additional encroachment towards the neighbors to the south or east allowing for all required air flow between properties.

*5. The hazard from fire and other damages to the property will not be increased;*

- There will be no increase to fire hazard or property damage as all neighboring setbacks are to be respected and the construction will be in keeping with all current residential building codes.

*6. The taxable value of the land and buildings throughout the Village will not diminish;*

- The taxable value will not diminish, as the essential character will not be altered. Contextual improvements such as the proposed actually increase taxable value.

*7. The congestion in the public street will not increase; and*

- The proposed variation request would not affect congestion in the public street.

*8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not be otherwise impaired.*

- The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not be impaired or altered.

Respectfully,

Chip Hackley, AIA  
Hackley and Associates Architects, Inc.

# PROFESSIONALS ASSOCIATED SURVEY, INC.

PROFESSIONAL DESIGN FIRM NO. 184-003023

7100 N. TRIPP AVENUE  
LINCOLNWOOD, ILLINOIS 60712  
www.professionalsassociated.com

TEL: (847) 675-3000  
FAX: (847) 675-2167  
e-mail: pa@professionalsassociated.com

## PLAT OF SURVEY

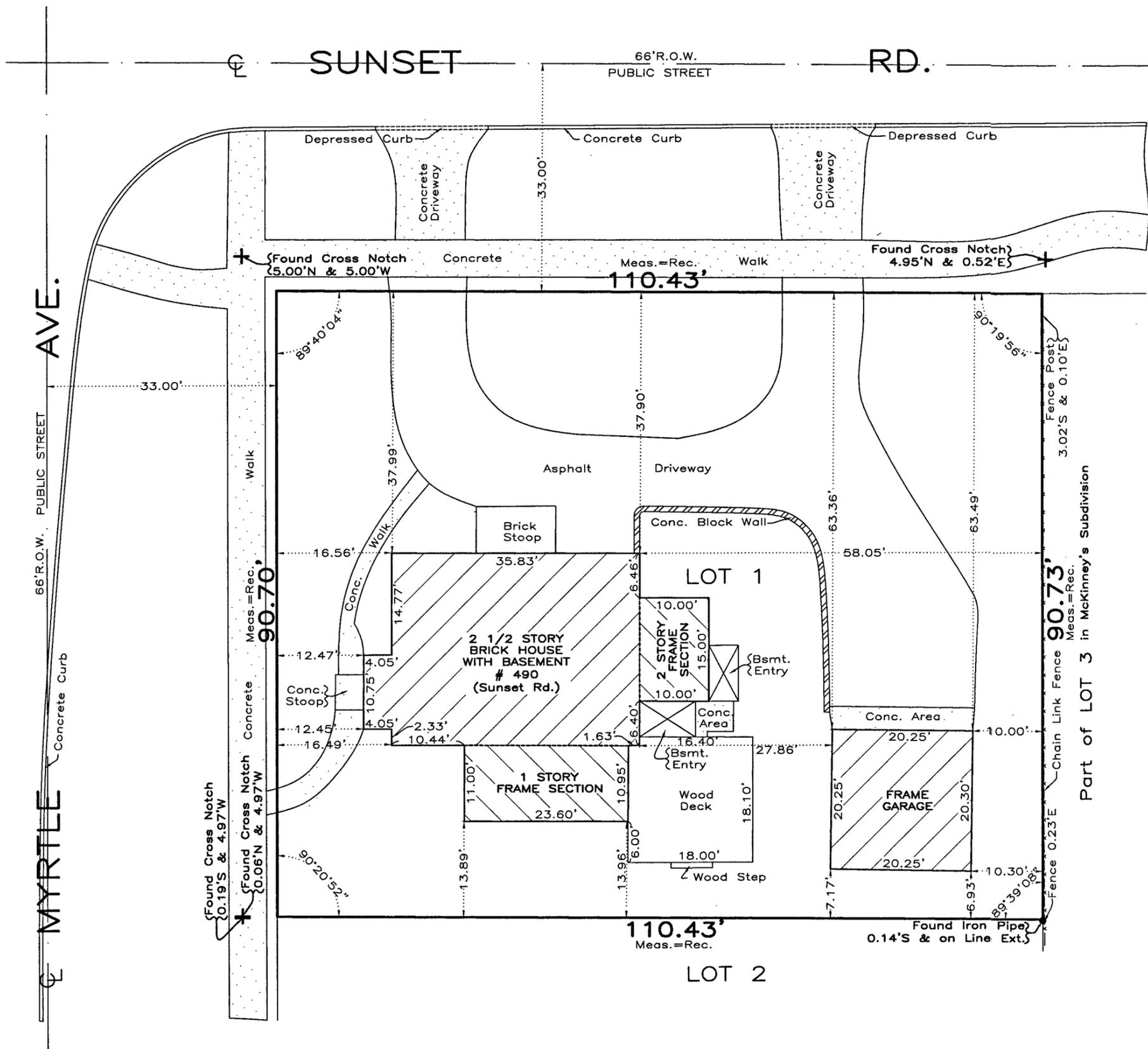
OF



LOT 1 IN PERRY'S SUBDIVISION OF THE WEST 10 FEET OF LOT 3, ALL OF LOT 4 AND ALL OF LOT 5 IN MCKINNEY'S SUBDIVISION OF BLOCK 24 IN GARLAND'S ADDITION TO WINNETKA A SUBDIVISION OF THE NORTH 120 ACRES OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LAND TOTAL AREA: 10,017.48 SQ. FT. = 0.2299 ACRE.

COMMONLY KNOWN AS: 490 SUNSET ROAD, WINNETKA, ILLINOIS.



NOTE: COPY OF CURRENT TITLE INSURANCE POLICY NOT PROVIDED TO SURVEYOR.

THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREON DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OR DEED. DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

Order No. 08-80134  
Scale: 1 inch = 16 feet.  
Date of Field Work: December 5, 2021.  
Ordered by: JAMIE THOMAS



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

THIS SURVEY HAS BEEN ORDERED FOR SURFACE DIMENSIONS ONLY, NOT FOR ELEVATIONS. THIS IS NOT AN ALTA SURVEY.

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

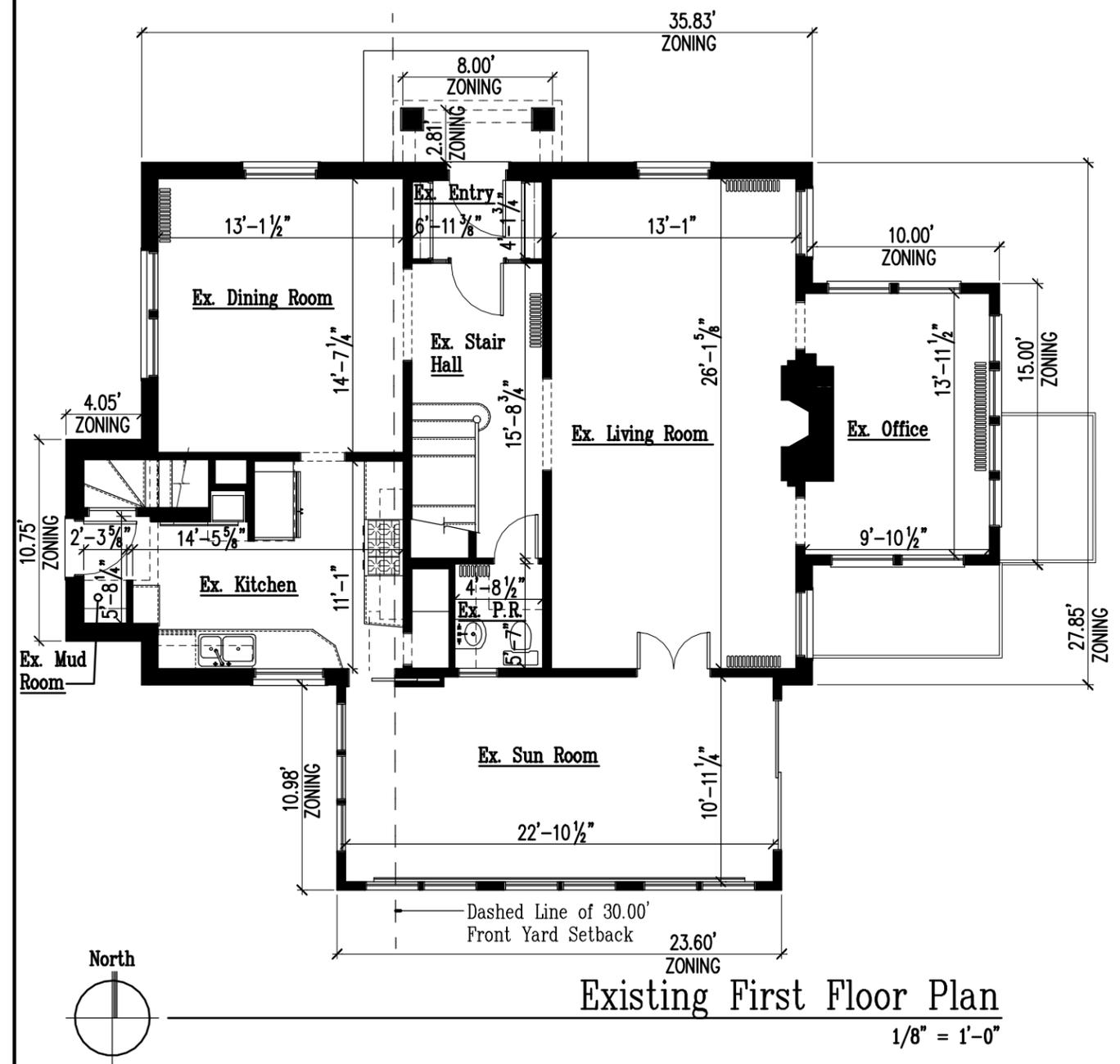
State of Illinois s.s.  
County of Cook

We, PROFESSIONALS ASSOCIATED SURVEY INC., do hereby certify that we have surveyed the above described property and that, to the best of our knowledge, the plat hereon drawn is an accurate representation of said survey.

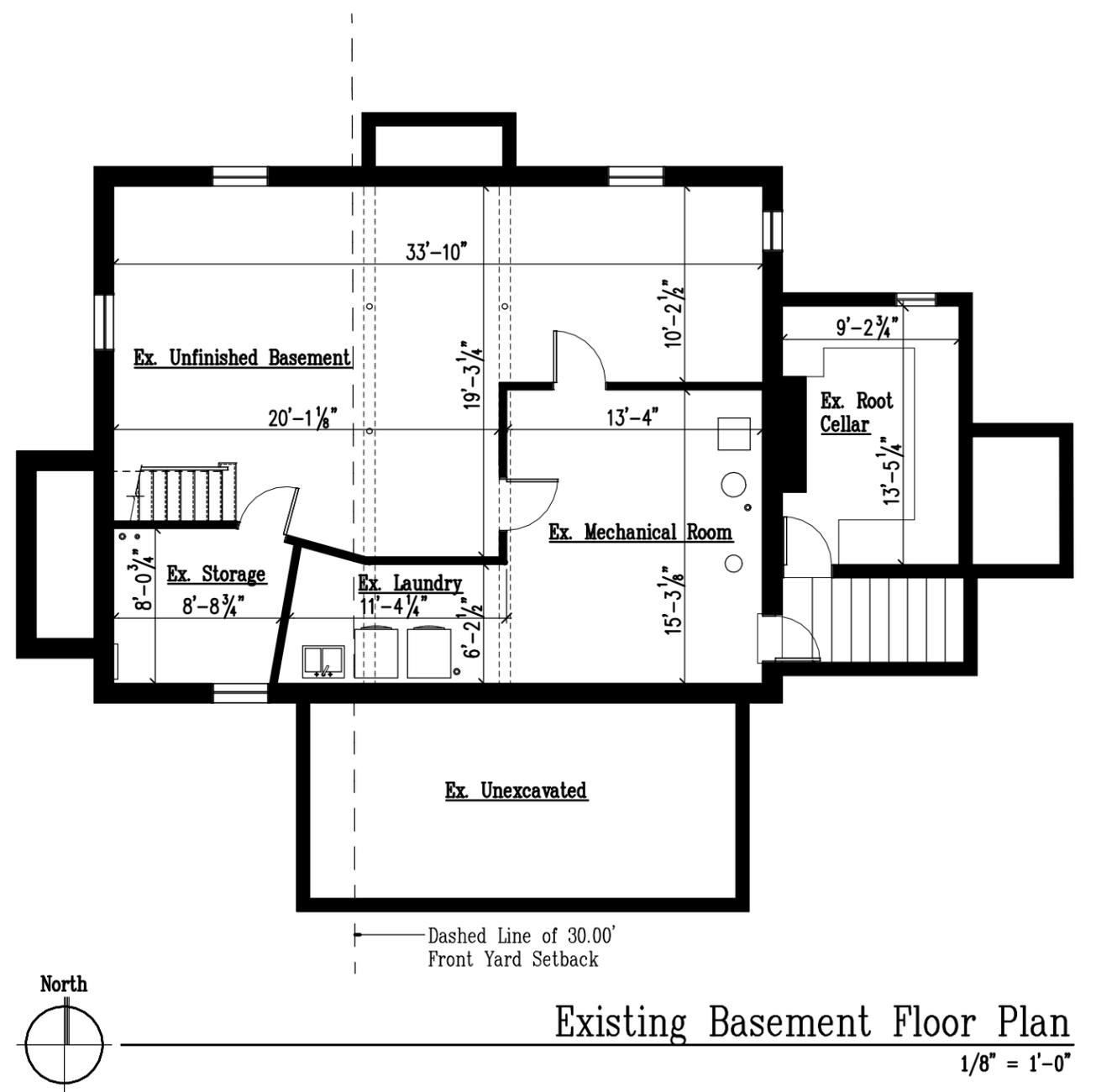
Date: December 8, 2021.

*Hylione E. Donaldson*

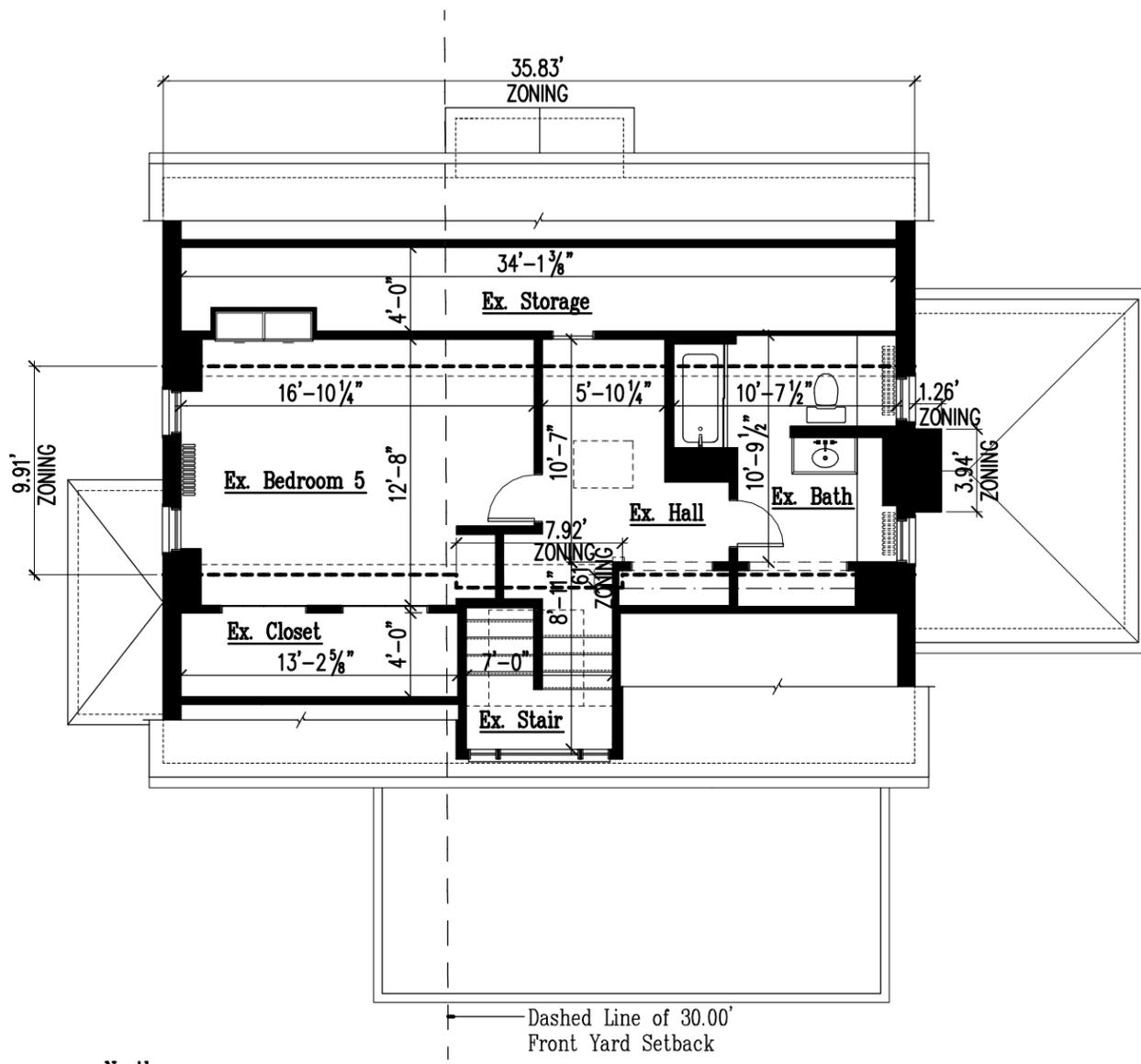




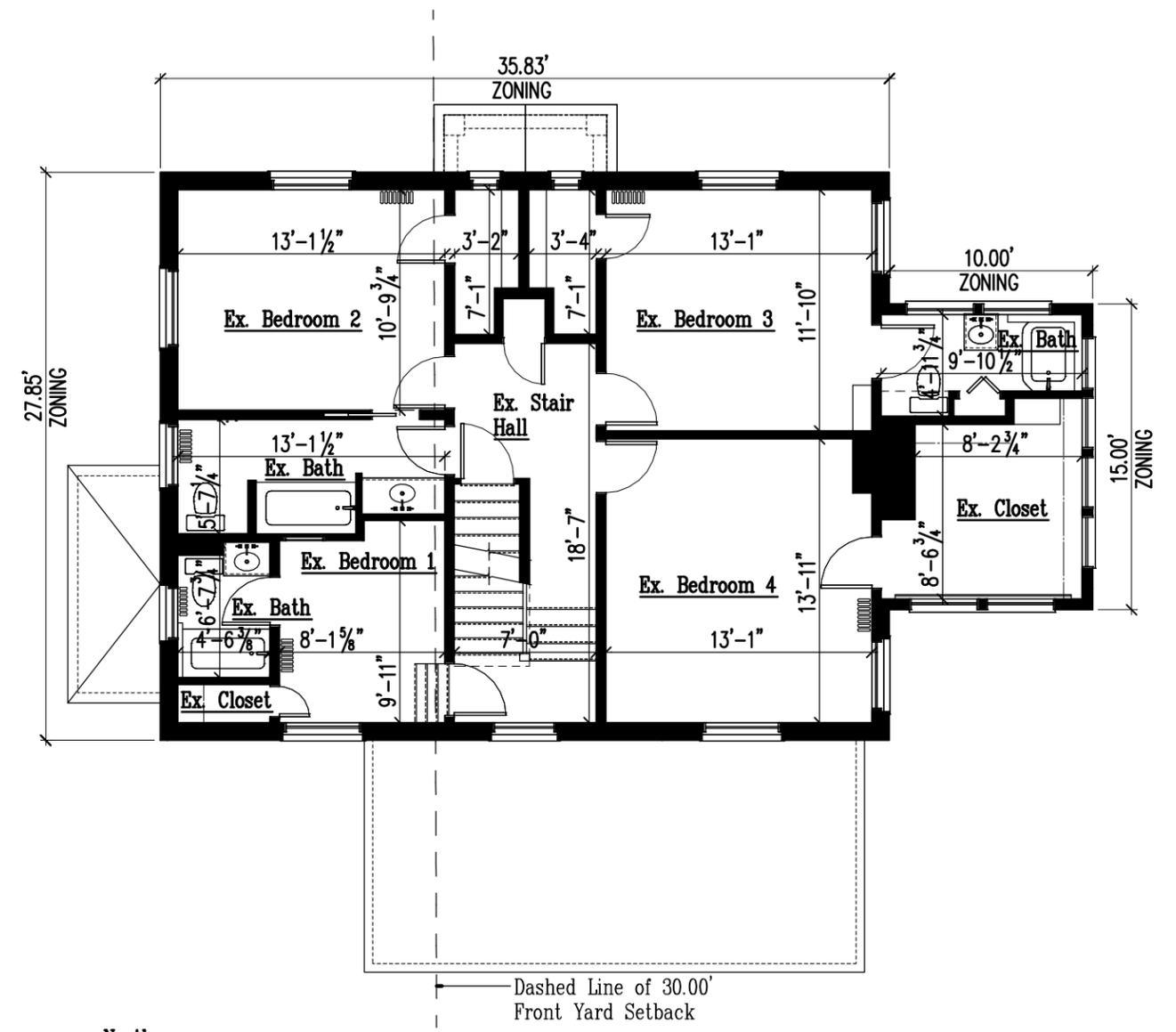
Existing First Floor Plan  
 1/8" = 1'-0"



Existing Basement Floor Plan  
 1/8" = 1'-0"



Existing Attic Floor Plan  
 1/8" = 1'-0"



Existing Second Floor Plan  
 1/8" = 1'-0"



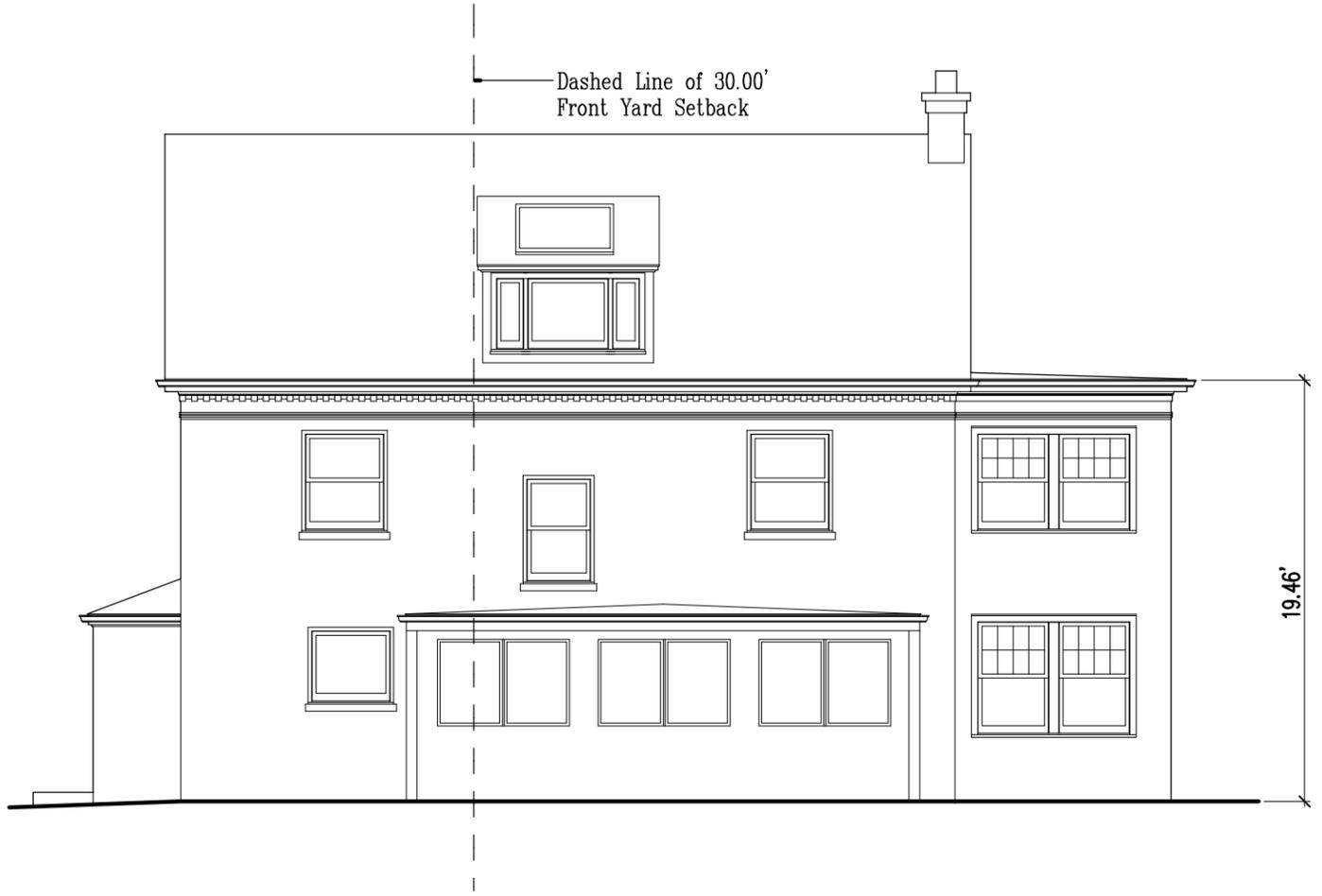
Existing East Elevation  
1/8" = 1'-0"



Existing North Elevation  
1/8" = 1'-0"



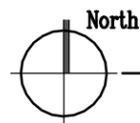
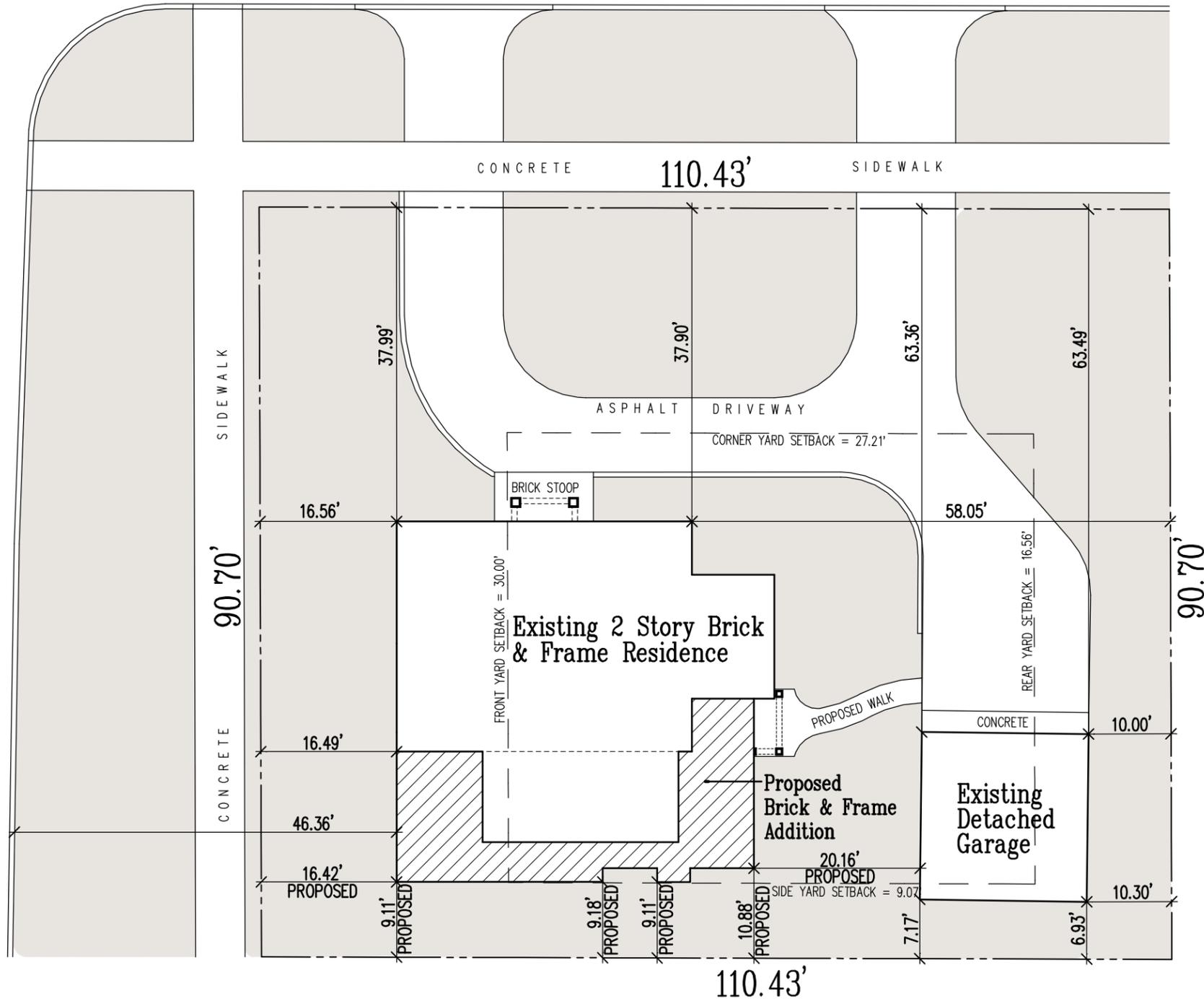
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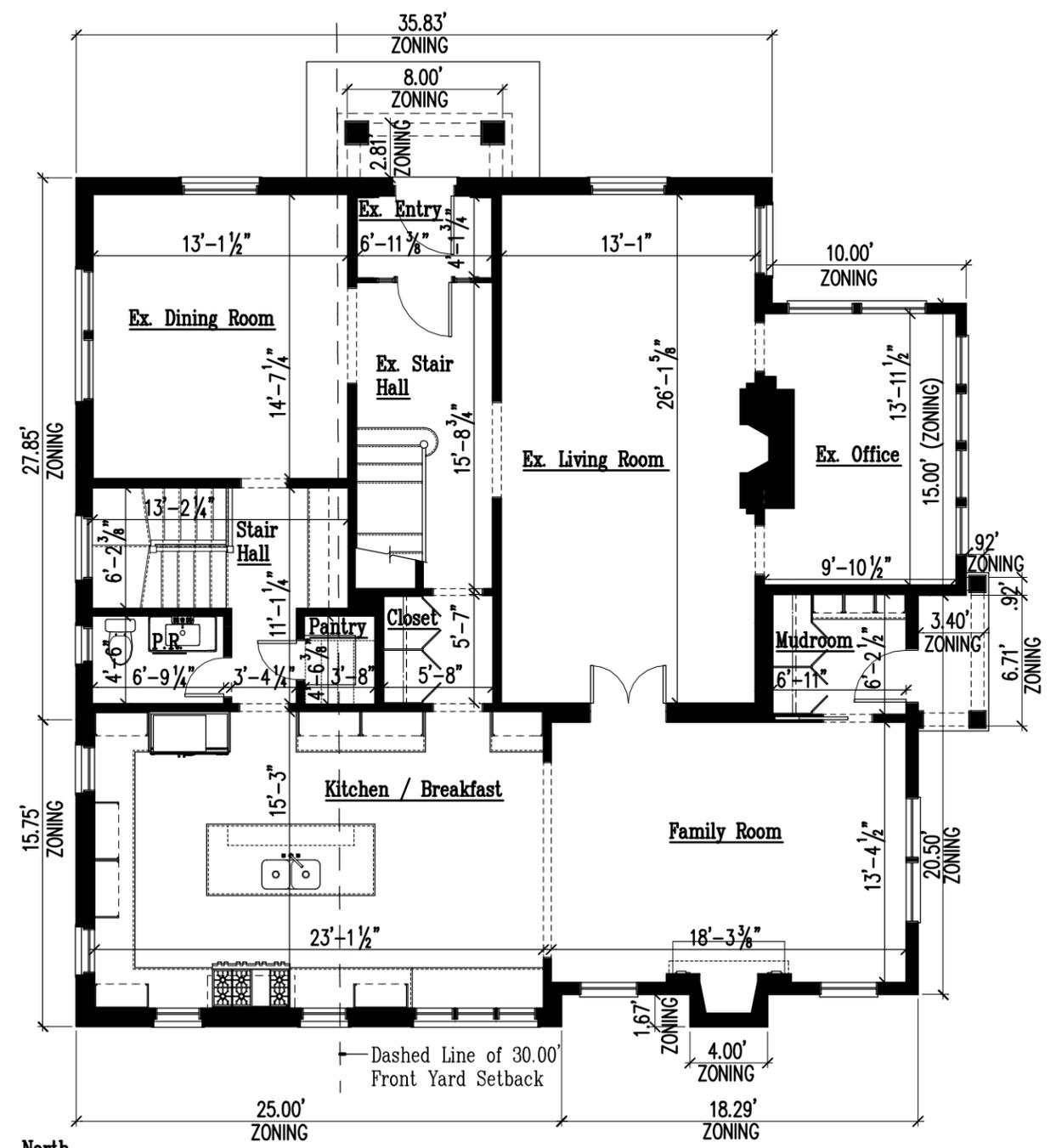
Existing South Elevation  
1/8" = 1'-0"

M Y R T L E A V E N U E

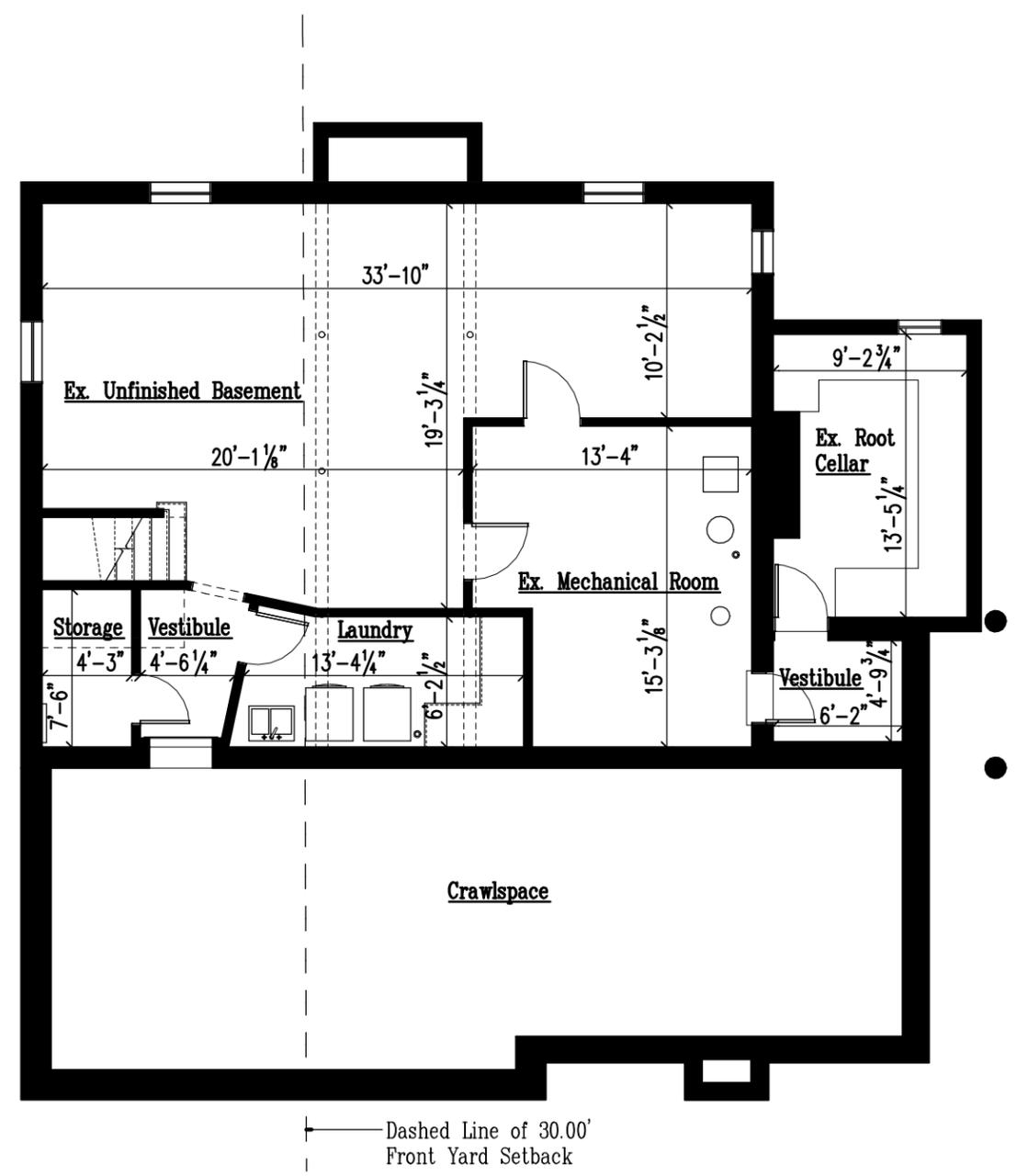
S U N S E T R O A D



Proposed Site Plan  
1/16" = 1'-0"



**Proposed First Floor Plan**  
 1/8" = 1'-0"



**Proposed Basement Plan**  
 1/8" = 1'-0"







West Elevation — Myrtle side

1/8" = 1'-0"



East Elevation

1/8" = 1'-0"



*South Elevation*

*1/2" = 1'-0"*

HACKLEY & ASSOCIATES ARCHITECTS  
440 GREEN BAY ROAD - KENILWORTH, ILLINOIS  
PH 847-853-8258 847-853-8351 FX

ROBLES RESIDENCE  
490 SUNSET ROAD - WINNETKA, ILLINOIS 60093

VARIANCE  
SUBMITTAL

A-10

**ATTACHMENT D**  
**RESOLUTION NO. ZBA-02-2022**  
**VILLAGE OF WINNETKA**  
**ZONING BOARD OF APPEALS**  
**APPROVAL OF ZBA CASE NO. 22-05-V – 490 SUNSET ROAD**

WHEREAS, Francisco Robles and Jamie Thomas, (collectively, the “Applicant”) are the owner of the property commonly known as 490 Sunset Road, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (“**Subject Property**”); and

WHEREAS, the Subject Property is located in the R-5 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence and a detached garage that are nonconforming with respect to (i) the minimum required front yard setback from Myrtle Street; and (ii) the minimum required side yard setback for the detached garage (“**Building**”); and

WHEREAS, the Applicant desires to construct a two-and-a-half-story addition to the Building on the Subject Property that would (i) exceed the maximum permitted gross floor area; and (ii) provide less than the minimum required front yard setback from Myrtle Street; (“**Proposed Improvement**”); and

WHEREAS, pursuant to Section 17.30.040 of the Winnetka Zoning Ordinance (“**Zoning Ordinance**”), the Subject Property is permitted a maximum gross floor area of 3,818.5 square feet; and

WHEREAS, pursuant to Section 17.30.050 of the Zoning Ordinance, the Subject Property is required to provide a minimum front yard setback of at least 30 feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with (i) a gross floor area that exceeds the maximum permitted of 3,818.5 square feet, a violation of Section 17.30.040 of the Zoning Ordinance; and (ii) a front yard setback that is less than the required 30 feet, a violation of Section 17.30.050 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for variations from Section 17.30.040 and Section 17.30.050 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property with (i) a gross floor area of 4,078.8 square feet; and (ii) a front yard setback of 16.42 feet (“**Requested Variations**”); and

WHEREAS, a public notice for the Requested Variations was duly published on January 27, 2022, in the “Winnetka Talk” and notice was mailed to the owners of record of all properties within 250 feet of the Subject Property as required by the Zoning Ordinance; and

WHEREAS, in accordance with social distancing requirements, Governor Pritzker’s Executive Order 2022-05, and Section 7(e) of the Illinois Open Meetings Act, a virtual public hearing was held by the Winnetka Zoning Board of Appeals during a virtual meeting held on February 14, 2022, for the purpose of considering the Requested Variations with the final decision being rendered at the Zoning Board of Appeal’s Regular Meeting on February 14, 2022; and

WHEREAS, the Zoning Board of Appeals has considered the evidence presented, as follows:

1. Application for the Requested Variations submitted by the Applicant, dated January 12, 2022, including all attachments as well as all subsequent additions and revisions to these application materials and attachments; and
2. All written and oral testimony concerning the Requested Variations.

WHEREAS, the Zoning Board of Appeals has determined that the Requested Variations do satisfy the standards for a variation provided in Sections 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance; and

WHEREAS, the Zoning Board of Appeals has determined that it will serve and be in the best interest of the Village and its residents to grant the application for (i) the gross floor area variation; and (ii) the front yard setback variation in accordance with, and subject to, the conditions, restrictions, and provisions of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Appeals of the Village of Winnetka, Cook County, Illinois, that:

SECTION 1. RECITALS. The foregoing recitals are incorporated into, and made part of, this Resolution as the findings of the Zoning Board of Appeals.

SECTION 2. APPROVAL OF VARIATIONS. Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section Three of this Resolution, the requested (i) gross floor area variation from Section 17.30.040 of the Zoning Ordinance; and (ii) front yard setback variation from Section 17.30.050 of the Zoning Ordinance to permit the construction of the proposed two-and-a-half-story addition on the Subject Property is hereby granted, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Winnetka Zoning Ordinance or any other rights the Applicant may have, the approval granted in Section Two of this Resolution is hereby expressly subject to and contingent upon compliance with each and all of the following conditions:

- A. Compliance with Plans. Except for minor changes and site work approved by the Director of Community Development in accordance with all applicable Village standards, the development, use, operation, and maintenance of the Subject Property, shall comply with those certain plans attached hereto as **Exhibit B**.
- B. Compliance with Regulations. The construction, development, use, operation, and maintenance of the Proposed Improvement and the Subject Property must comply with all applicable Village codes and ordinances, as the same may be amended from time to time, except to the extent specifically provided otherwise in this Resolution.

SECTION 4. RECORDING; BINDING EFFECT. A copy of this Resolution will be recorded in the office of the Cook County Recorder of Deeds. This Resolution and the privileges, obligations, and provisions contained herein will inure solely to the benefit of, and be binding upon, the Applicant and its respective heirs, personal representatives, successors and assigns.

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Resolution, the approval granted in Section Two of this Resolution will, at the sole discretion of the Zoning Board of Appeals, by Resolution duly adopted, be revoked and become null and void; provided, however, that the Zoning Board of Appeals may not so revoke the approval granted in Section Two of this Resolution unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Zoning Board of Appeals. In the event of revocation, the development and use of the Subject Property will be governed solely by the applicable regulations of the Winnetka Zoning Ordinance, including, without limitation, (i) the gross floor area requirement set forth in Section 17.30.040 of the Winnetka Zoning Ordinance; and (ii) the front yard setback requirement set forth in Section 17.30.050 of the Winnetka Zoning Ordinance. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6. AMENDMENTS. Any amendments to the Requested Variations granted in Section Two of this Resolution may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Winnetka Zoning Ordinance.

SECTION 7. EFFECTIVE DATE.

A. This Resolution will be effective only upon the occurrence of all of the following events:

1. Passage by the Zoning Board of Appeals in the manner required by law; and
2. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent, in the form of **Exhibit C** attached to and, by this reference, made a part of this Resolution, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Resolution and to indemnify the Village for any claims that may arise in connection with the approval of this Resolution.

B. In the event that the Applicant does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 7.A.2 of this Resolution, within 60 days after the date of final passage of this Resolution by the Zoning Board of Appeals, the Zoning Board of Appeals will have the right, in its sole discretion, to declare this Resolution null and void and of no force or effect.

[SIGNATURES ON FOLLOWING PAGE]

**ADOPTED** this 14th day of February, 2022, pursuant to the following roll call vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

Signed:

\_\_\_\_\_  
Matthew Bradley, Chairperson

Countersigned:

\_\_\_\_\_  
Village Clerk

**EXHIBIT A**  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY**

Lot 1 in Perry's Subdivision of the West 10 Feet of Lot 3, all of Lot 4 and all of Lot 5 in McKinney's Subdivision of Block 24 in Garland's Addition to Winnetka a subdivision of the North 120 Acres of the Southwest ¼ of Section 21, Township 42 North, Range 13, East of the Third Principal Meridian in Cook County, Illinois.

Commonly known as 490 Sunset Road, Winnetka, Illinois.

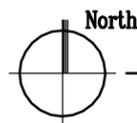
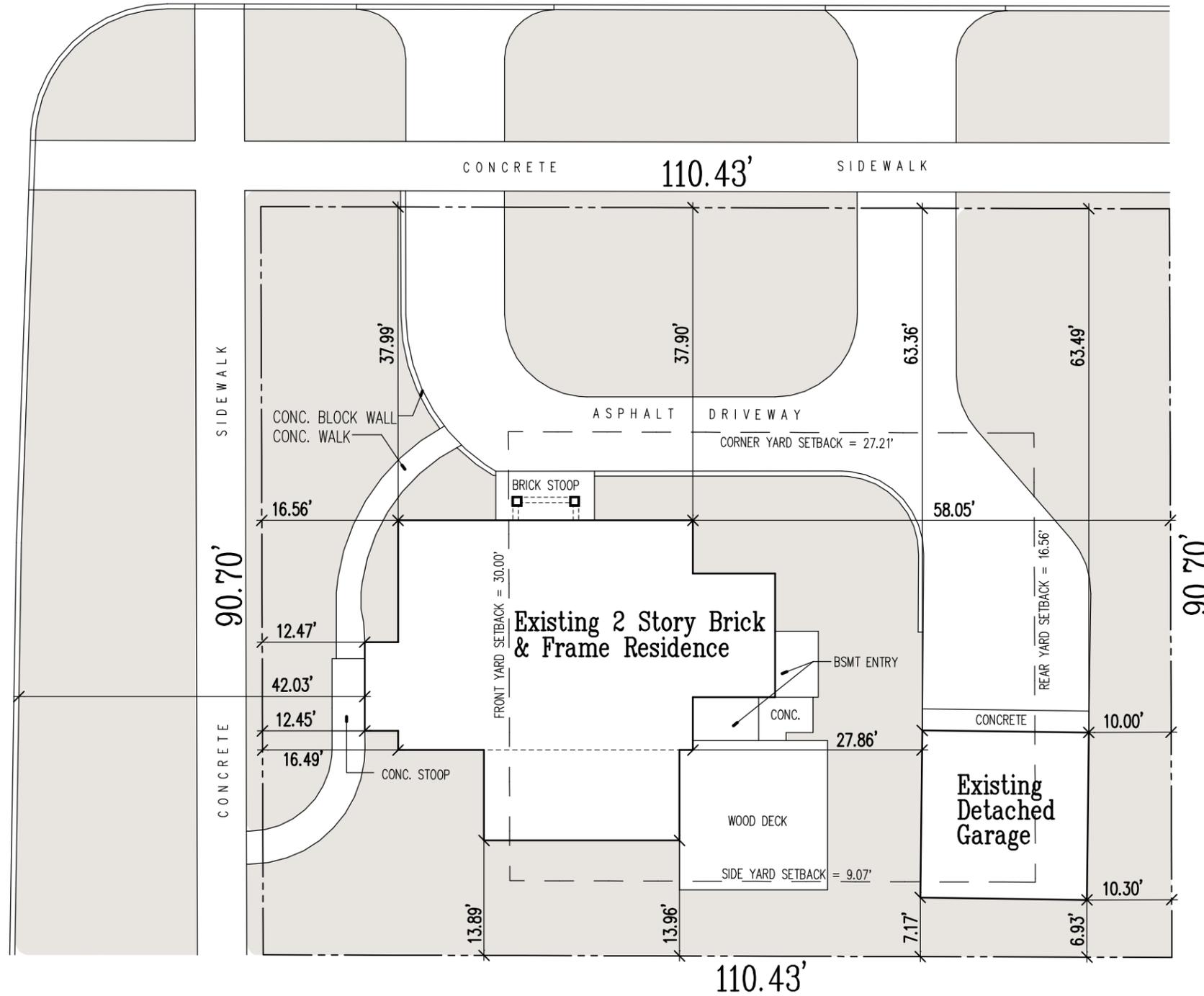
Parcel Index Number: 05-21-320-009-0000

**EXHIBIT B**  
**PLANS**

**(SEE ATTACHED EXHIBIT B)**

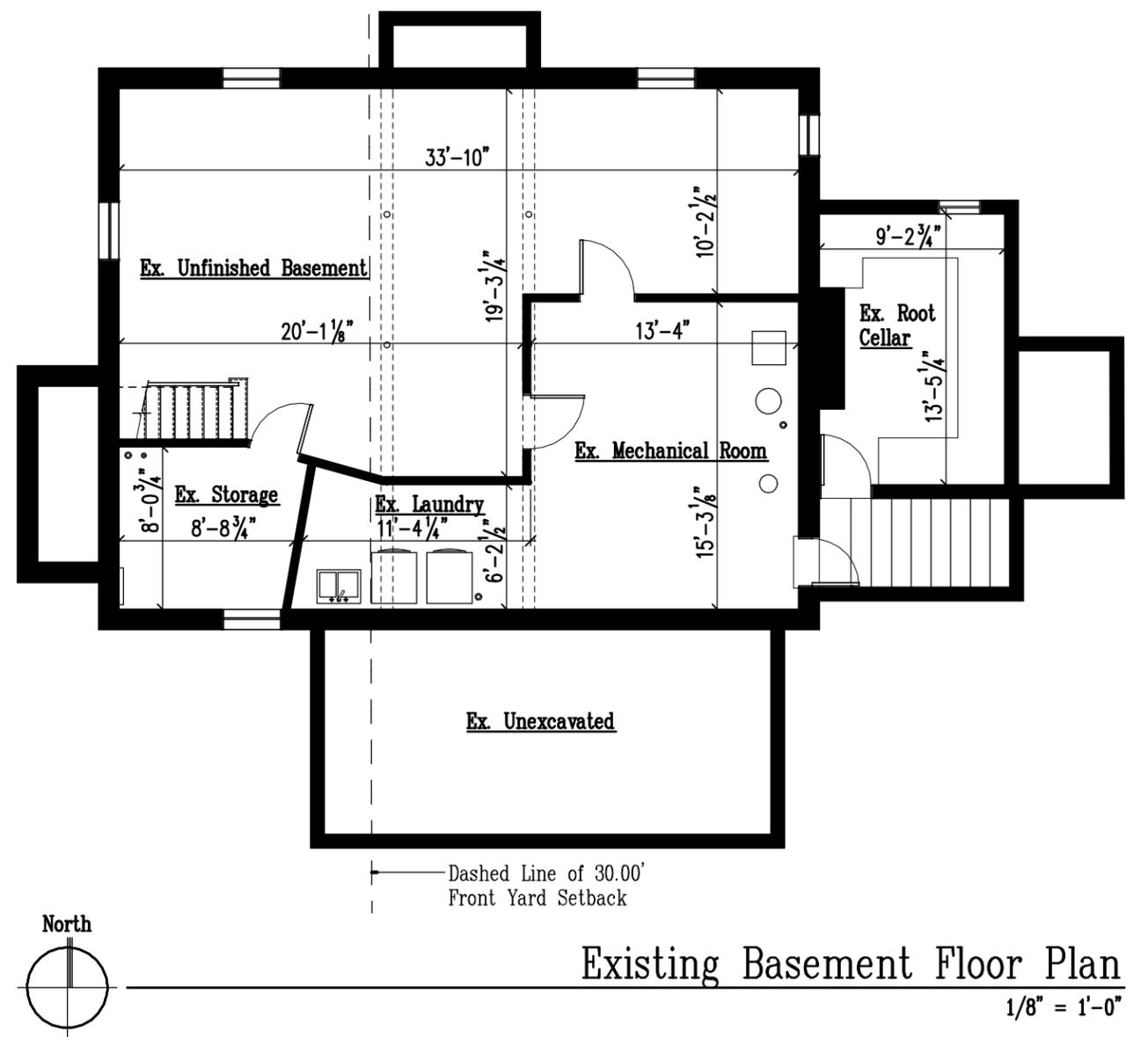
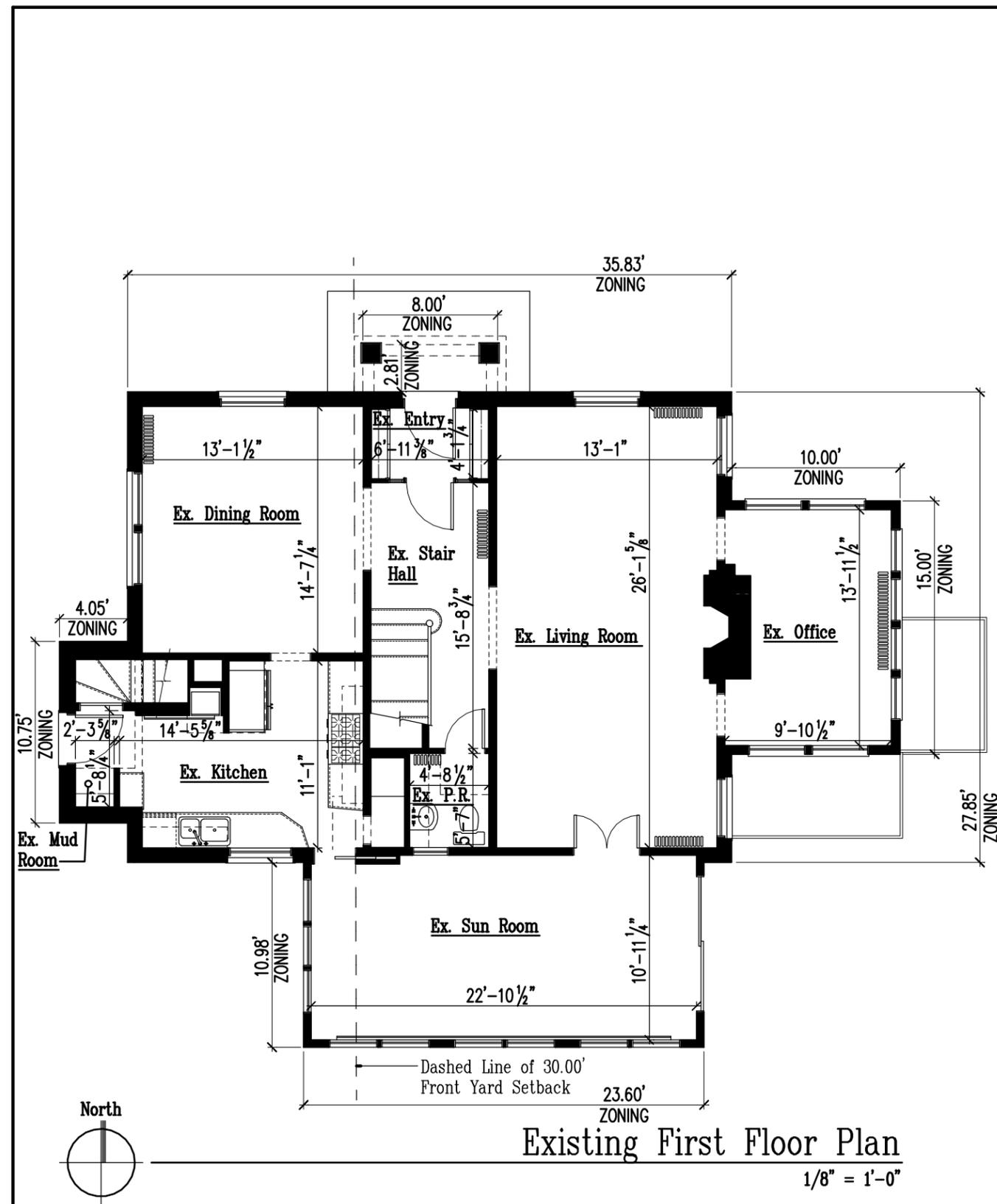
SUNSET ROAD

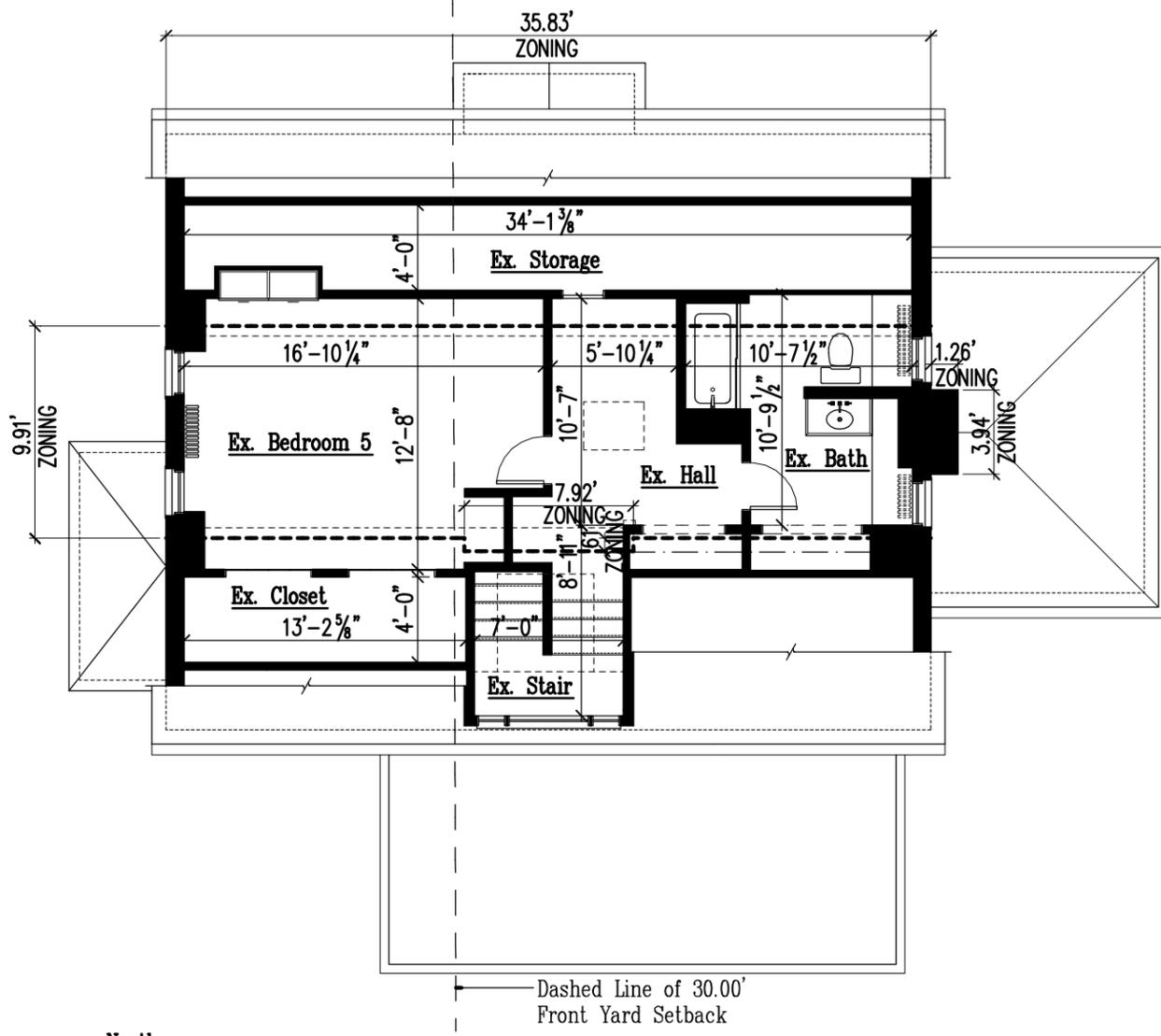
MYRTLE AVENUE



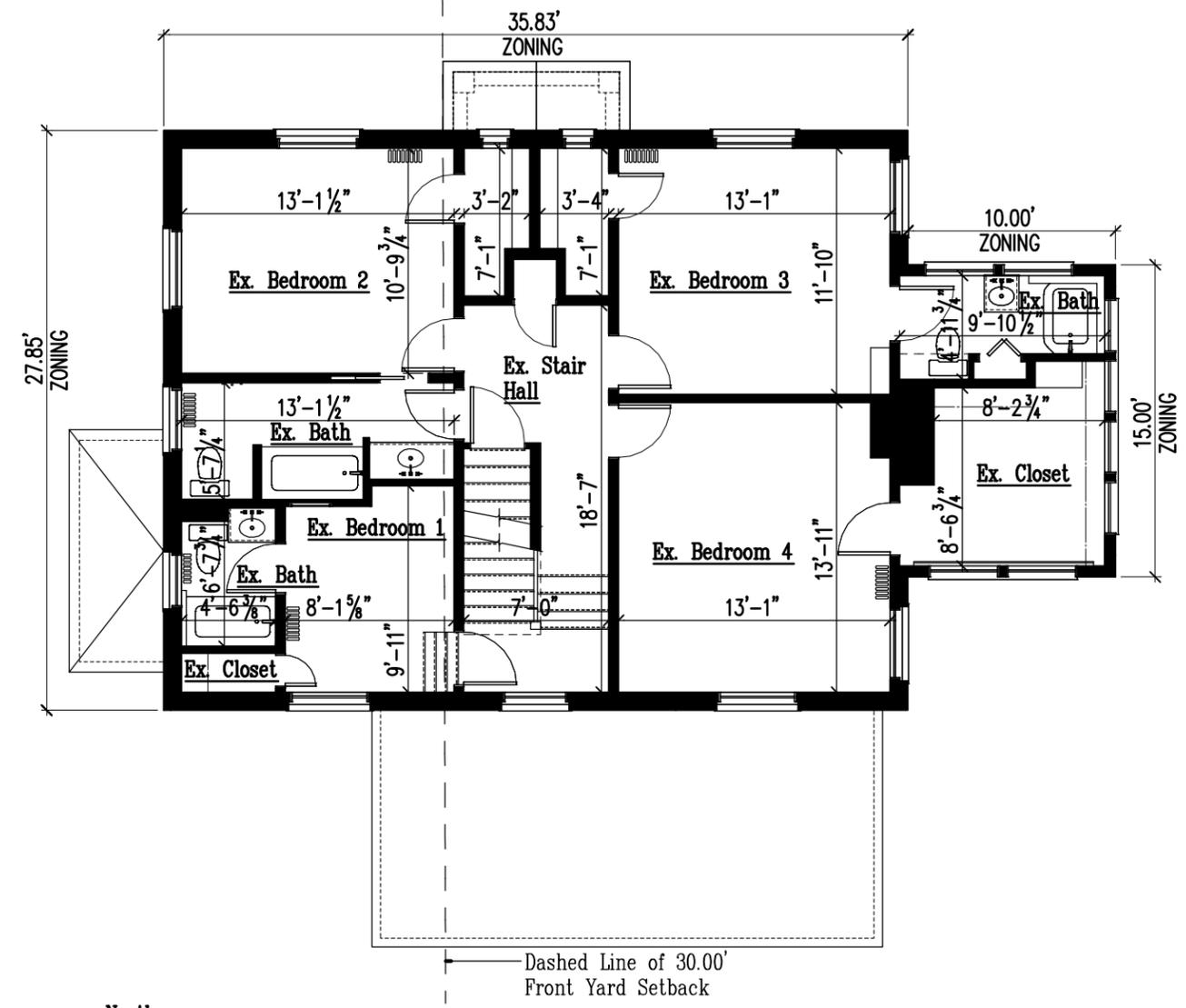
Existing Site Plan

1/16" = 1'-0"





Existing Attic Floor Plan  
 1/8" = 1'-0"



Existing Second Floor Plan  
 1/8" = 1'-0"



Existing East Elevation  
1/8" = 1'-0"



Existing North Elevation  
1/8" = 1'-0"

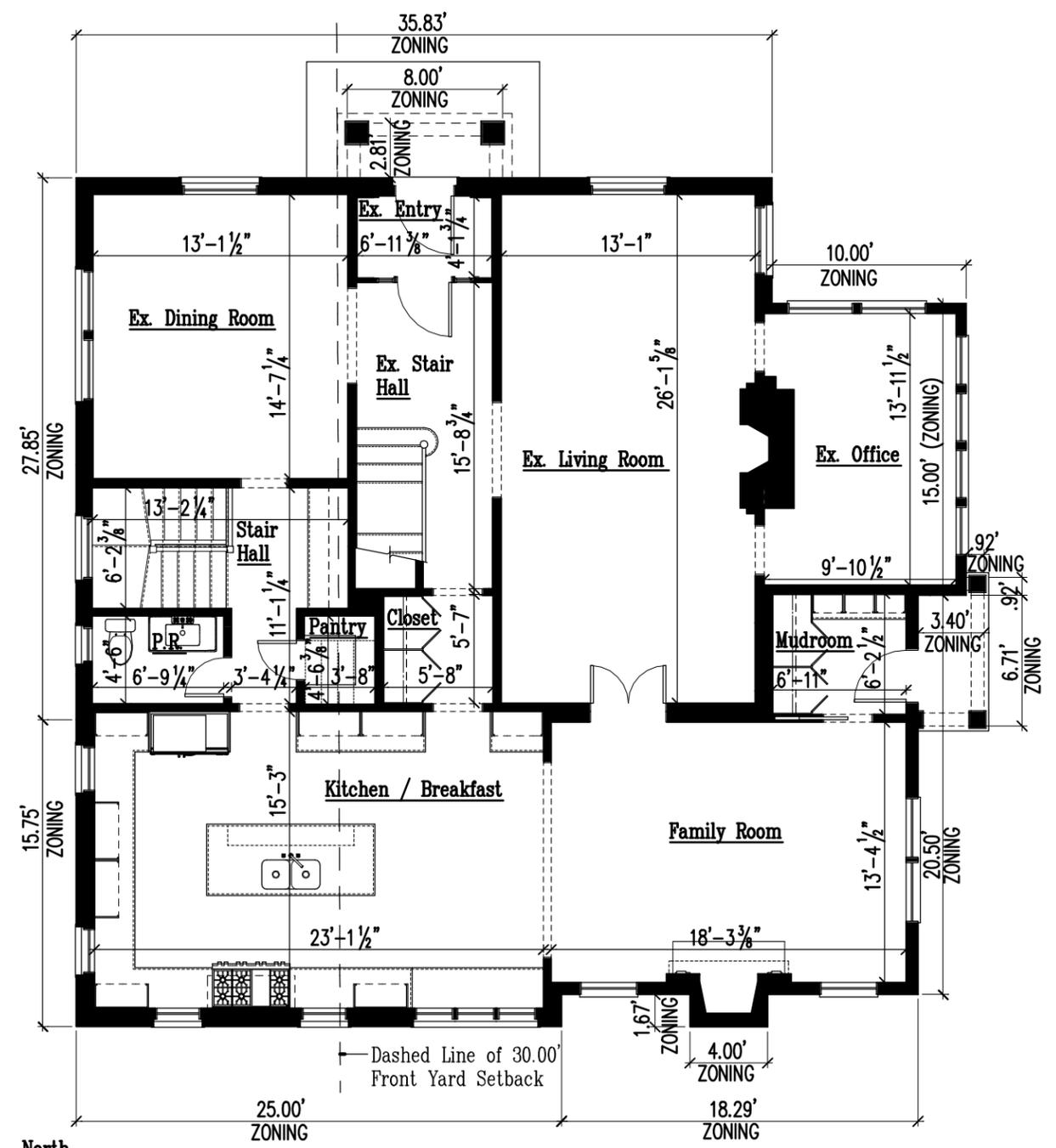


Existing West Elevation  
1/8" = 1'-0"

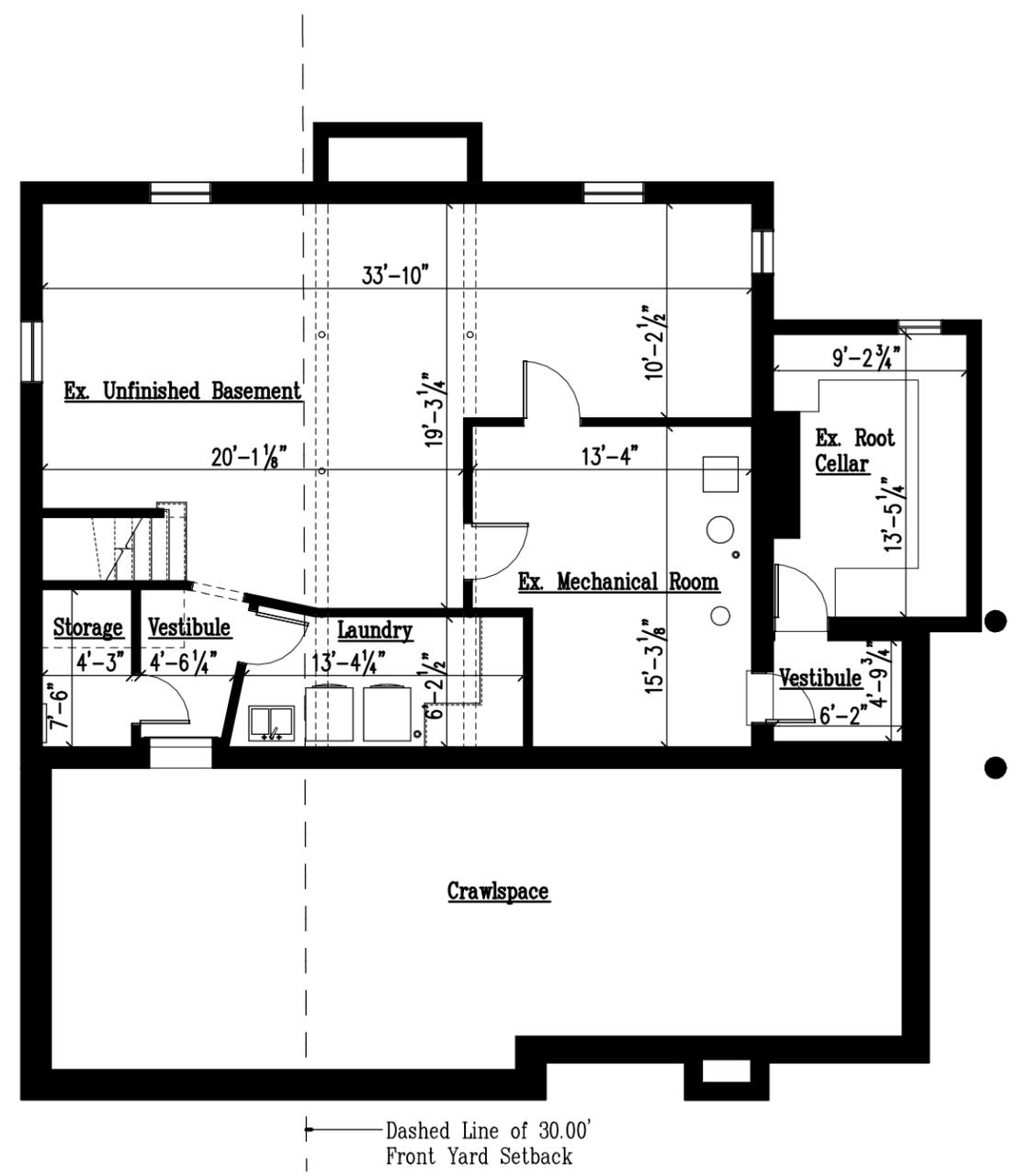


Existing South Elevation  
1/8" = 1'-0"

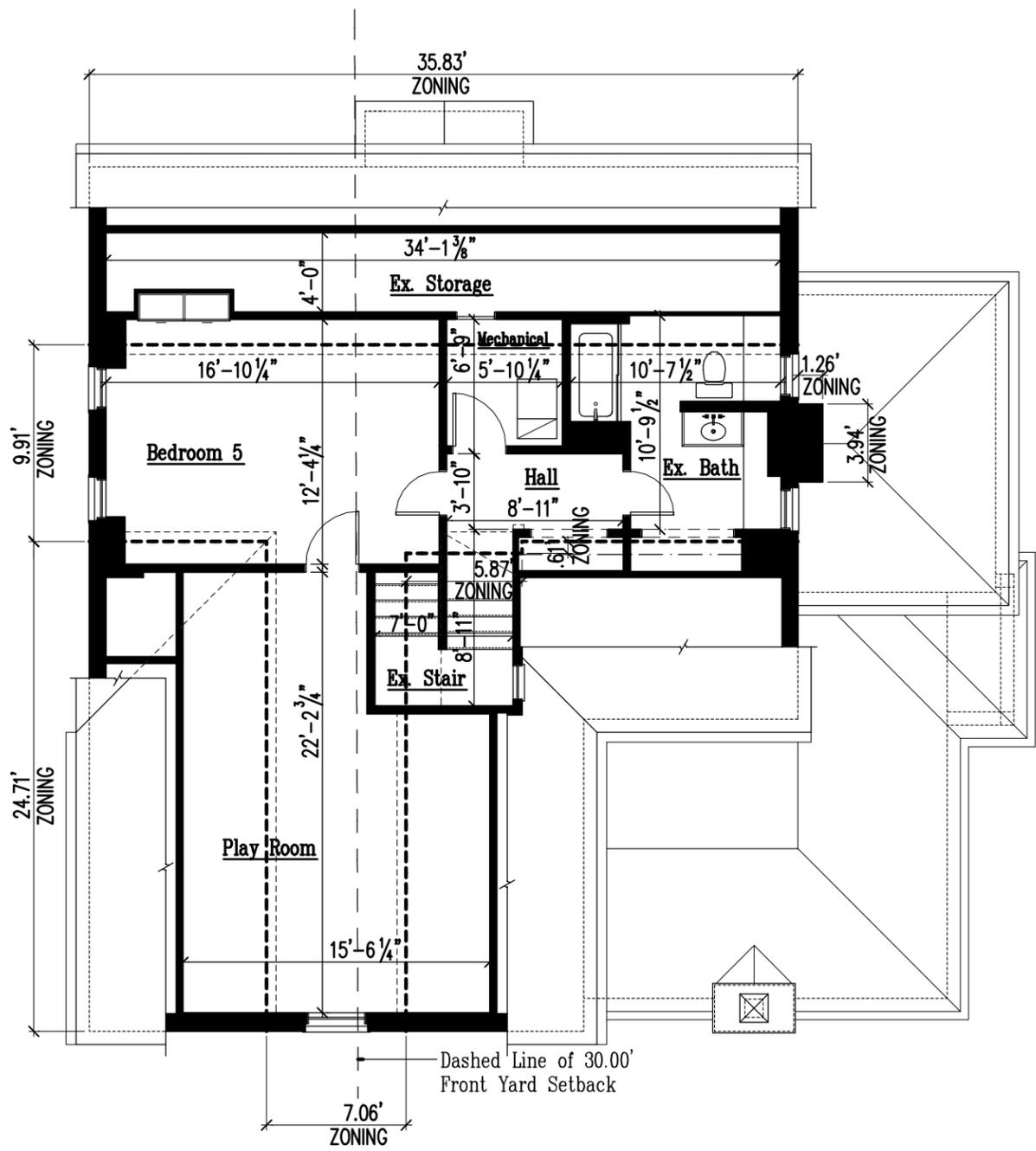




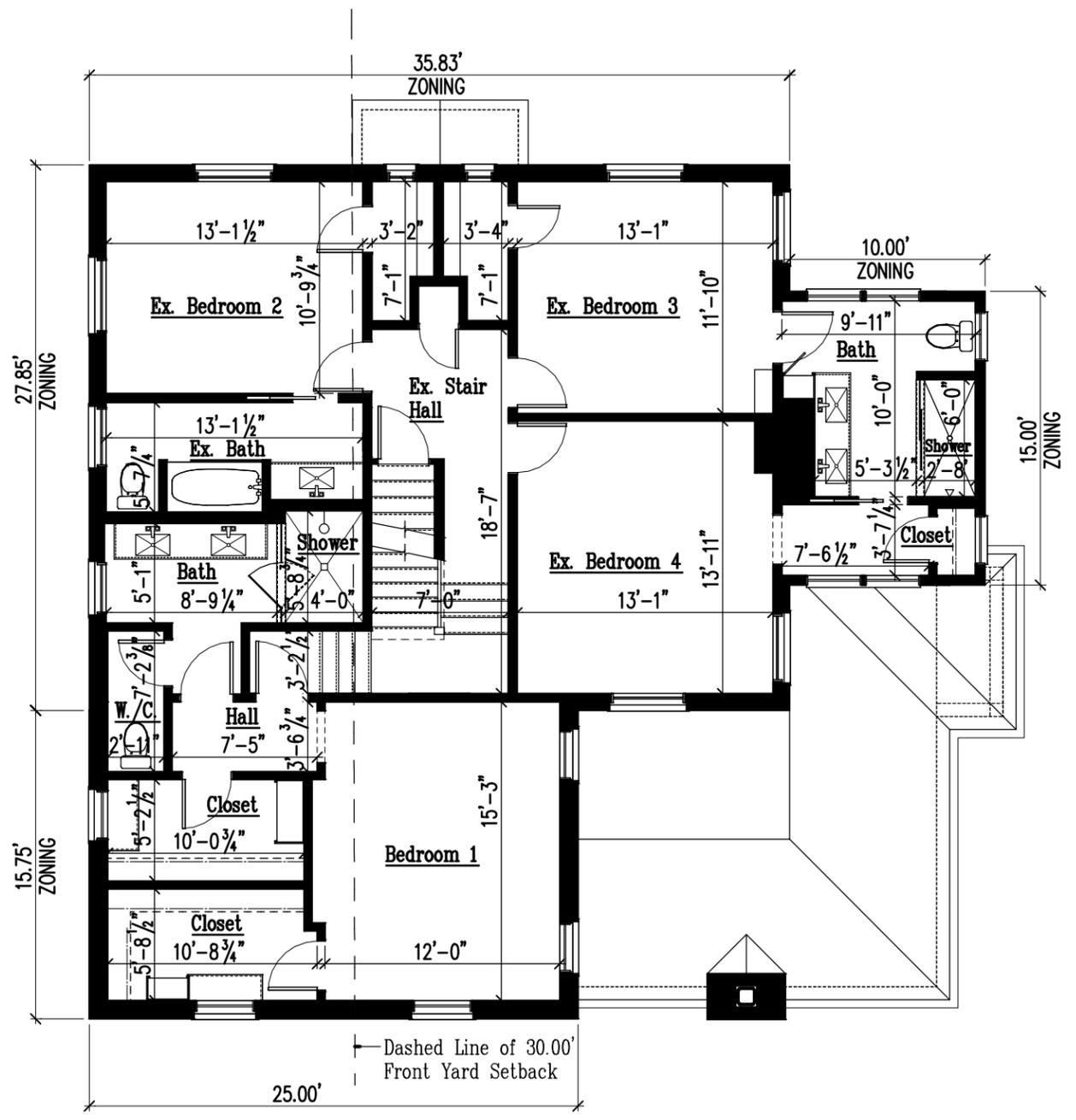
Proposed First Floor Plan  
 1/8" = 1'-0"



Proposed Basement Plan  
 1/8" = 1'-0"



**Proposed Attic Floor Plan**  
 1/8" = 1'-0"



**Proposed Second Floor Plan**  
 1/8" = 1'-0"



West Elevation — Myrtle side

1/8" = 1'-0"



East Elevation

1/8" = 1'-0"



*South Elevation*  
 $\frac{1}{8}'' = 1'-0''$

HACKLEY & ASSOCIATES ARCHITECTS  
440 GREEN BAY ROAD - KENILWORTH, ILLINOIS  
PH 847-853-8258 847-853-8351 FX

ROBLES RESIDENCE  
490 SUNSET ROAD - WINNETKA, ILLINOIS 60093

VARIANCE  
SUBMITTAL

A-10

**EXHIBIT C**

**UNCONDITIONAL AGREEMENT AND CONSENT**

TO: The Village of Winnetka, Illinois ("**Village**");

**WHEREAS**, Francisco Robles and Jamie Thomas (collectively, the "**Owner**") is the owner of record of that certain real property located at 490 Sunset Road, Winnetka, Illinois ("**Property**"); and

**WHEREAS**, Resolution No. ZBA-02-2022, adopted by the Winnetka Zoning Board of Appeals on February 14, 2022 ("**Resolution**"), grants variations to construct a two-and-a-half-story addition on the Subject Property; and

**WHEREAS**, Section 7.A.2 of the Resolution provides, among other things, that the Resolution will be of no force or effect unless and until the Owner has filed, within 60 days following the passage of the Resolution, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Resolution;

**NOW, THEREFORE**, the Owner does hereby agree and covenant as follows:

1. The Owner hereby unconditionally agrees to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Resolution.

2. The Owner acknowledges that public notices and virtual public hearings have been properly given and held with respect to the adoption of the Resolution, have considered the possibility of the revocation provided for in the Resolution, and agree not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Owner acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting of the variations, and that the Village's approval of the variations does not, and will not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time.

4. The Owner hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Resolution granting the variations for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: \_\_\_\_\_, 2022.

ATTEST

**OWNER**

By: \_\_\_\_\_

By: \_\_\_\_\_

Francisco Robles

Name: \_\_\_\_\_

By: \_\_\_\_\_

Jamie Thomas

**RESOLUTION NO. ZBA-02-2022**  
**VILLAGE OF WINNETKA**  
**ZONING BOARD OF APPEALS**  
**DENIAL OF ZBA CASE NO. 22-05-V – 490 SUNSET ROAD**

WHEREAS, Francisco Robles and Jamie Thomas, (collectively, the “Applicant”) are the owner of the property commonly known as 490 Sunset Road, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made part of this Resolution (“**Subject Property**”); and

WHEREAS, the Subject Property is located in the R-5 Single Family Residential District; and

WHEREAS, the Subject Property is improved with a single family residence and a detached garage that are nonconforming with respect to (i) the minimum required front yard setback from Myrtle Street; and (ii) the minimum required side yard setback for the detached garage (“**Building**”); and

WHEREAS, the Applicant desires to construct a two-and-a-half-story addition to the Building on the Subject Property that would (i) exceed the maximum permitted gross floor area; and (ii) provide less than the minimum required front yard setback from Myrtle Street; (“**Proposed Improvement**”); and

WHEREAS, pursuant to Section 17.30.040 of the Winnetka Zoning Ordinance (“**Zoning Ordinance**”), the Subject Property is permitted a maximum gross floor area of 3,818.5 square feet; and

WHEREAS, pursuant to Section 17.30.050 of the Zoning Ordinance, the Subject Property is required to provide a minimum front yard setback of at least 30 feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property with (i) a gross floor area that exceeds the maximum permitted of 3,818.5 square feet, a violation of Section 17.30.040 of the Zoning Ordinance; and (ii) a front yard setback that is less than the required 30 feet, a violation of Section 17.30.050 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for variations from Section 17.30.040 and Section 17.30.050 of the Zoning Ordinance to permit the Proposed Improvement on the Subject Property with (i) a gross floor area of 4,078.8 square feet; and (ii) a front yard setback of 16.42 feet (“**Requested Variations**”); and

WHEREAS, a public notice for the Requested Variations was duly published on January 27, 2022, in the “Winnetka Talk” and notice was mailed to the owners of record of all properties within 250 feet of the Subject Property as required by the Zoning Ordinance; and

WHEREAS, in accordance with social distancing requirements, Governor Pritzker’s Executive Order 2022-05, and Section 7(e) of the Illinois Open Meetings Act, a virtual public hearing was held by the Winnetka Zoning Board of Appeals during a virtual meeting held on February 14, 2022, for the purpose of considering the Requested Variations with the final decision being rendered at the Zoning Board of Appeal’s Regular Meeting on February 14, 2022; and

WHEREAS, the Zoning Board of Appeals has considered the evidence presented, as follows:

1. Application for the Requested Variations submitted by the Applicant, dated January 12, 2022, including all attachments as well as all subsequent additions and revisions to these application materials and attachments; and
2. All written and oral testimony concerning the Requested Variations.

WHEREAS, the Zoning Board of Appeals has determined that the Requested Variations **do not** satisfy the standards for a variation provided in Sections 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance because (i) the Requested Variations are not in harmony with the general purpose and intent of the Winnetka Zoning Ordinance; (ii) the Subject Property can yield a reasonable return if it is permitted to be used only under the conditions allowed for the R-5 Single Family Residential District; and (iii) the plight of the Applicant is not due to unique circumstances; and

WHEREAS, the Zoning Board of Appeals has determined that it will not serve and be in the best interest of the Village and its residents to approve the Requested Variations.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Appeals of the Village of Winnetka, Cook County, Illinois, that:

SECTION 1. RECITALS. The foregoing recitals are incorporated into, and made part of, this Resolution as the findings of the Zoning Board of Appeals.

SECTION 2. DENIAL OF VARIATIONS. In accordance with and pursuant to Chapter 17.60 of the Winnetka Zoning Ordinance and the home rule powers of the Village, the Zoning Board of Appeals denies the Requested Variations for the Subject Property.

SECTION 3. EFFECTIVE DATE. This Resolution will be effective upon passage by the Zoning Board of Appeals in the manner required by law.

[SIGNATURES ON FOLLOWING PAGE]

**ADOPTED** this 14th day of February 2022, pursuant to the following roll call vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

Signed:

\_\_\_\_\_  
Matthew Bradley, Chairperson

Countersigned:

\_\_\_\_\_  
Village Clerk

**EXHIBIT A**  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY**

Lot 1 in Perry's Subdivision of the West 10 Feet of Lot 3, all of Lot 4 and all of Lot 5 in McKinney's Subdivision of Block 24 in Garland's Addition to Winnetka a subdivision of the North 120 Acres of the Southwest ¼ of Section 21, Township 42 North, Range 13, East of the Third Principal Meridian in Cook County, Illinois.

Commonly known as 490 Sunset Road, Winnetka, Illinois.

Parcel Index Number: 05-21-320-009-0000